

EXTENSIONS OF REMARKS

ANALYSIS OF THE PROBLEMS
FACING THE MEXICO-UNITED
STATES-CANADA FREE TRADE
AGREEMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, the free-trade agreement with Mexico will have a significant impact on the economy of New Mexico. I have been closely monitoring the proposed talks, and fully support fast track procedures for negotiating the United States-Mexico-Canada accord. However, there have been concerns expressed to me about issues which are not on the negotiating agenda, such as energy. Mr. Ron Merrett, director of the Office of Interstate Natural Gas Markets for the New Mexico Department of Energy, Minerals, and Natural Resources testified before the Ways and Means Subcommittee on Trade last month. In his testimony, Mr. Merrett outlines the energy issues of concern. I urge my colleagues to carefully review Mr. Merrett's testimony as the United States negotiating positions are formulated in both the executive and legislative branches.

STATEMENT OF MR. RONALD H. MERRETT

Mr. Chairman and Members of the Committee my name is Ronald H. Merrett. I am the Director of the Office of Interstate Natural Gas Markets of the New Mexico Department of Energy, Minerals and Natural Resources. I would like to thank you for the opportunity to present the views of DEMNR on the negotiation of a free trade agreement between the United States and Mexico.

The DEMNR has regulatory authority over oil and natural gas drilling and production in the State of New Mexico. The Secretary of the DEMNR is appointed by the Governor and serves as a member of the Governor's cabinet. The DEMNR promotes production of New Mexico's energy resources and supports measures which enhance the wise use and balanced conservation of those resources. New Mexico is a major producer of clean, domestic natural gas, and production from the state serves distribution companies, consumers and industrial markets in California, and throughout the southwest and midwest regions of the United States.

A free trade agreement with Mexico will have a significant impact on the economy of New Mexico. This impact is especially critical for the energy sector of the State's economy. Not only will an FTA directly affect energy production in New Mexico—especially oil and natural gas—but, energy consumption patterns could be altered substantially as other industrial sectors expand or contract their domestic operations as a result of marketing opportunities, or lost markets, under an FTA. These implications for the economic welfare of the state of New Mexico energy industries warrant the full consideration of energy issues at the earliest stage of negotiations for an FTA.

We understand that no decision has been made regarding the inclusion of energy as an issue for consideration or negotiation in the talks between the U.S. and Mexico. The DEMNR urges the immediate inclusion of energy issues in the talks. We also urge the establishment of a formal task group comprised of U.S. energy producers, pipelines, marketers, local distribution companies, refiners, state regulatory agencies and others to work directly with U.S. negotiators to ensure full consideration of vital energy issues in the FTA process. We need only to review the history of the U.S./Canada FTA to realize that energy must be on the table now.

In the talks leading to the U.S./Canada FTA, energy was largely ignored until the very final stages of the negotiations. Even then, energy was treated, as an editorial in the January 17, 1990 issue of *Natural Gas* week describes, as a "Johnny-come-lately" issue. I ask that a copy of this editorial be included in the record of this hearing. The result, of course, is that many U.S. natural gas producers feel that they got the short end of the stick on energy trade provisions. The bad feeling over the mistreatment of energy issues in the U.S./Canada FTA process still lingers, causing needless friction and controversy. In fact, the continued and growing controversy over rates for transportation of Canadian natural gas to U.S. markets threatens both U.S. and Canadian producers and continues to be a thorn in the side of U.S./Canadian relations.

The impact of a U.S./Mexico FTA on energy is too large to ignore energy issues in its negotiation. A number of critical issues must be addressed. Foremost is the issue of subsidies and unfair price discrimination. The government of Mexico provides deep subsidies to its natural gas producers. U.S. producers could be placed at a major disadvantage if this issue is not addressed in the FTA. New Mexico, which sells 80 percent of its natural gas into the California market, is deeply concerned that unless addressed this issue could stimulate bitter acrimony between the U.S. and Mexico.

Similarly, under Mexico's two tier pricing system, Mexico's energy monopoly, Pemex, sells natural gas domestically at prices far below the world market. We are concerned that artificially low priced natural gas could lure U.S. customers to Mexico and away from current U.S. suppliers. Today 80 percent of the gas produced in New Mexico is sold in the California market, much of which could be vulnerable to Mexican competition. We cannot ignore the imbalance that could result if U.S. producers, subject to world market competition, are suddenly exposed through the FTA to artificially low priced competition.

This issue of pricing discrepancies cannot be ignored. Also important is whether the FTA will address the current Mexican prohibition against foreign investment in Mexico's domestic energy industry. Joint ventures and long-term leases are just two of the approaches that can be taken consistent with Mexican energy security and the legitimate interests and expertise of U.S. investors and companies. The FTA talks must ad-

dress this issue or opportunities for fair and truly free energy trade will be lost.

As mentioned previously, the DEMNR recommends that producers, pipeline, marketers, local distribution companies, refiners, and state regulatory agencies should be invited to become active participants in the FTA talks. We further recommend that the following issues be placed on the table for immediate discussion:

Mexican restrictions on foreign investment in Mexico's energy sector and whether joint ventures, long-term leases and similar mechanisms will be permitted so that the expertise and financial resources of U.S. investors can be brought to bear to stimulate untapped potential.

Whether U.S./Mexican energy trade will take place in the context of competitive markets or unfair subsidies.

A dispute resolution mechanism must be developed which clearly states which segment of the United States federal government will resolve any disputes arising between the U.S. and Mexico related to energy issues. The failure to make such a designation has been a source of problems between the United States and Canada.

We urge the Congress to support these policy objectives. The war in the Mid-East has again forced us to focus on issues related to U.S. national energy security. We have an unprecedented opportunity to structure a North American energy market which would provide major benefits to the U.S., Canada and Mexico. We could very well forfeit this opportunity if the current talks continue to exclude energy issues.

Thank you for the opportunity to present our views. I will be happy to answer any questions.

NEW MEXICO WANTS ENERGY IN TRADE TALKS
(By John H. Jennrich)

When the U.S.-Canada Free Trade Agreement (FTA) surfaced in 1988, it was presented to Congress on a fast-track basis that required an up-or-down vote with no line-item alterations.

Although the FTA had been in negotiations before then, private interest groups were not privy to much of this discussion. And when the treaty agreement became better known, it was too late for substantive changes. One result: Some U.S. natural gas producers felt they got the short end of the stick on the energy trade provisions.

Now, at least one state—New Mexico—has taken action to see that its producers won't be caught in the same trap in the U.S.-Mexico FTA talks. Pipeline manufacturers also have put in their bids, and so have two environmental groups.

The background is short and simple: Last Sept. 9, Mexico's President Salinas formally requested that the U.S. and Mexico begin negotiations on a Free Trade Agreement. Twenty days later, President Bush notified Congress of his intent to enter into trade negotiations with Mexico.

At the same time, the House Ways and Means Committee and the Senate Finance Committee asked the U.S. International Trade Commission (ITC) for information on the implications of this FTA. On Oct. 17, the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ITC published a *Federal Register* notice seeking comments with a deadline of Nov. 26, later extended to Dec. 11. The ITC report to Congress is due Feb. 1.

More than 100 comments were filed, nearly all on non-energy subjects such as trade in agricultural and glass products and color televisions. Only three seemed directly to touch on natural gas and oil trade, and only the comments of New Mexico's Department of Energy, Minerals and Natural Resources specifically sought to include natural gas trade and projects in the negotiations.

As it stands now, the Mexican constitution prohibits foreign investment in petroleum operations. Thus far, the Mexican government has said that energy issues will not be on the bargaining table.

However, Ronald H. Merrett, director of the New Mexico energy department's Office of Interstate Natural Gas Markets, told me that his group had heard from "private individuals" that "maybe the Mexican [petroleum] industry was not totally set against energy coverage in the agreement."

Thus, Merrett says, "we felt it appropriate to raise this issue [because] we have a great deal to gain, or there could be certain risks."

The bottom line, he says, is that New Mexico wants to "get in on the ground floor" in the U.S.-Mexico talks, unlike its Johnny-come-lately position on the Canadian negotiations.

While Merrett has some areas of concern, he says he has not formed specific bargaining positions, in part because a new State administration comes in on January 1 and in part because his purpose now is to just get a place at the negotiating table.

As with Canada, New Mexicans are worried that less-expensive Mexican gas will come into the United States. He says the Mexican government's subsidies insulate Mexican natural gas from the rigors of the market, and that U.S. gas buyers could turn to supplies from south of the border. Merrett notes that 80% of New Mexico's natural gas goes to California, which shares a border with Mexico as does New Mexico. In addition, he worries that industrial buyers of New Mexico's gas could migrate to Mexico. Merrett also favors allowing New Mexico's petroleum industry an opportunity to do business in Mexico.

New Mexico's comments to the ITC were prepared and filed by law firm Katten Muchin Zavis & Dombroff and its affiliated Legislative Strategies Inc., which had advised Merrett to get in on the process as early as possible.

In the formal submission, New Mexico's energy department says that the U.S. should "not agree" to excluding energy from the talks, calling such an exclusion "short-sighted."

New Mexico also says that manufacturers in Mexico "enjoy a pricing mechanism" in which Pemex, the government oil and gas monopoly, sells energy for domestic use at prices below the world market. Merrett says a "fundamental issue arises" in how to address the pricing discrepancies between the U.S. and Mexico. "Unless the Mexican government's subsidized pricing scheme is addressed in a straight-forward manner," says Merrett, "United States energy producers will be unduly disadvantaged as their industrial markets relocate."

Merrett also suggests joint ventures in energy projects, perhaps as a way "to recognize Mexico's fundamental policy of protecting ownership of its valuable natural resources and at the same time open the Mexican oil and natural gas industry to the expertise, equipment and capital available in the United States."

He says the FTA talks should include "[d]evices other than foreign ownership, such as joint ventures and long-term lease arrangements."

In the U.S.-Canada talks, energy was not a big issue overall for the negotiators. But in talks with Mexico, says Merrett, the U.S. team "should include individuals with a broad, in-depth understanding of the economic forces driving the domestic natural gas and oil industry." He adds that "producers, pipelines, marketers, local distribution companies, refineries, [and] state regulatory agencies . . . should be invited to become active participants with federal government officials" in the FTA talks.

In other comments, the Committee on Pipe and Tube Imports, represented by lawyer Roger B. Schagrin, seeks immediate elimination of tariffs on all pipe and tube products rather than phased-out tariffs as agreed to with Canada. It also would eliminate "restrictive Mexican government procurement laws and practices" to "ensure U.S. goods equal access to all Mexican markets, including State-owned companies." Behind this is the fact that Pemex is the largest purchaser of pipe in Mexico.

Finally, Friends of the Earth filed comments by the National Wildlife Federation (NWF) opposed to including energy in the trade talks. The groups say that while the U.S. "is willing to go to war for oil," it has refused to reduce its oil dependence by actions such as the Senate's rejection of a bill to boost automobile fuel efficiency. NWF notes that "many" U.S. and Mexican economic analysts "say that Pemex eventually will go to the table," but NWF opposes energy talks because "Secure access to foreign oil would reduce incentives for the U.S. to lower its fossil fuel consumption."

UNITED METHODIST CHURCH IN ARGYLE, NY, IS RICH IN HISTORY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SOLOMON. Mr. Speaker, the 24th District of New York is saturated in the early history of this Nation. The district is dotted with old church structures which serve as monuments or museums to that history.

Every one of those churches has a story, and I'd like to mention one of them, because it's one of my favorites.

The United Methodist Church of Argyle is a charming masterpiece of Gothic and Romanesque architecture. Methodist preachers played a key role in the settling of this Nation, and the church in Argyle is no less rich in history.

But I could not tell the story better than it was in a recent feature article in the *Post-Star*, my hometown newspaper. The story of the United Methodist Church of Argyle reads like a page of American history.

Mr. Speaker, I proudly place the article in today's *RECORD*.

[From Glens Falls (NY) *Post-Star*, May 5, 1991]

ECHOES OF WESLEY IN ARGYLE—METHODIST CONGREGATION FREQUENTLY PLAYED HOST TO TRAVELING PREACHERS

(By Hope Ferguson)

ARGYLE.—The smallish red brick building with its 106-foot corner spire, stone detailing, and Gothic and Romanesque architecture is just a stone's throw from the center of the village.

Home to Argyle's only Methodist congregation, it is also an enduring monument to a movement that started thousands of miles away and more than 250 years ago, and that radically altered church history.

The place was Oxford University, the man, John Wesley, the time, 1726. Wesley, then a teaching fellow, was part of a small "holiness club" at the university.

The small group, which included Wesley's brother, Charles, began as an earnest group of standard-bearers of Orthodox Christianity on the Oxford campus, where Deism, a philosophy which gave an intellectual assent to belief in a deity, but which excluded a personal God and supernatural revelation, was in vogue.

The Wesleys' small Christian cell, which emphasized holy living, Bible reading and prayer, was derisively nick-named, among other things, the "methodists."

Later, Wesley's preaching, though not fiery, ignited a new wave of renewal among Christians, and especially appealed to the poor and laboring classes. Instead of the wrathful God of the Calvinists, who predestined some to be saved and others for hell, Wesley preached the message of God's mercy and grace and His desire to see all come to repentance.

After a powerful revival that swept England and her American colonies during the mid-1700s, Wesley unintentionally caused a rift within the Church of England which eventually gave rise to a new denomination—the Methodists.

The message of grace and mercy appealed just as much to the Argyle settlers as it did to the coal miners who heard it in the open fields of England.

Argyle was part of the Cambridge circuit, according to an early history written by the Rev. J.W. Presby, who was pastor of the church from 1884-86.

"Late in the autumn of 1769 or about the beginning of 1770," he wrote, "Philip Embury came from New York City and settled in Washington County, about seven miles from Ashgrove. Between that date and 1773, Embury, in company with Barbara Heck, made an evangelistic tour through this region, holding meetings in almost every neighborhood."

Presby wrote that Methodism spread very quickly after that, and instructional classes in the faith were begun wherever 10 or even fewer Methodists were gathered.

Very early on, there was a Methodist preacher named Richard Jacobs who lived in the town. His son, Stephen, born in Argyle, also later became a preacher. These were reportedly the first preachers of any denomination to reside in Argyle, and were probably itinerant, as the church for many years had no official building nor installed pastor, but was host to many traveling ministers.

Initially, meetings were held in homes, barns and J.C. Rouse's Tavern. Because Argyle was "comparatively close to Ashgrove, the headquarters of Methodism at that time for all the country north of New York City," it was host to many of the traveling preachers.

One of these was Lorenzo Dow, frequently referred to as "crazy Lorenzo Dow" or the "eccentric Lorenzo Dow," though the reasons for this purported craziness were apparently not documented.

One Sunday in 1823, it is said that Dow first attended the United Presbyterian Church services, since it was against his custom to preach while another church service was in progress. That afternoon, after church was dismissed, standing on a pile of dry good boxes from Rouse's Tavern, the "crazy" Dow conducted an outdoor service near the site of the present Marine Midland bank.

He preached his sermon from the text of Ezekiel 33:11: "As I live, says the Lord God, I have no pleasure in the death of the wicked, but that the wicked turn from his way and live." That verse was an apt summation of Methodist theology.

Another noted preacher on the circuit was George Brown, described as "a colored preacher" who preached in the hall of J.C. Rouse's Tavern.

On Jan. 16, 1815, the first Methodist Episcopal Church in Argyle was organized in the home of Ichabod Davis, who lived on the Hartford Road, in a hamlet still known as "the Hook."

There was no installed pastor, but the Rev. Gershom Pierce, a circuit preacher, was chosen as chairman of the meeting. (The church's official name is now the United Methodist Church, a reflection of the merger of various Methodist groups in 1940.)

The first building the Methodists worshiped in was the Old Dutch Reformed Church, which was purchased in 1840 at a cost of \$386 from Ransom Stiles, who himself has purchased it at a sheriff's sale.

It was a "plain wood frame building" across from the cemetery entrance, and later was to be used as a private home.

By 1836, according to an excerpt from a newspaper article quoted in the church's centennial history, because of a "powerful revival . . . it was necessary to have a resident pastor to take care of the increased flock."

That man was the Rev. Elijah B. Hubbard. The same article quotes an elder, the Rev. John M. Weaver, saying of Hubbard:

"I have a young preacher up in the woods, who, I think, is just the man for you. He wears grey pants, is good looking, quite prepossessing, and is a good preacher. The girls will all be after him, but he won't have anything to do with them."

After that time, Argyle was no longer part of the Cambridge circuit, but was made an appointment with Hebron. In 1837, Daniel Brayton was appointed pastor. For many years thereafter, pastors served terms of one, or at the most, two or three years, following a Methodist practice of frequently reassigning their ministers.

In 1859, with the Methodist church apparently prospering, the Old Dutch Church was renovated at a cost of \$2,000.

In 1877, a church conference voted to build a new brick church because the old one could no longer be repaired. The Presbyterians had completed a very large structure of a similar style to the planned church just a year earlier. The Old Dutch church was subsequently sold.

In a newspaper article from the Washington County Post, it was reported the "Methodist people" were temporarily worshipping in the town hall until the completion of their new church.

On Sept. 7, 1877, the same paper reported that "despite forbidding weather, there was a fair assemblage of people at the laying of the cornerstone." A time capsule was in-

serted into the cornerstone, including newspaper clippings, a short church history, a list of pastors and a U.S. postal card.

Recently, while repairing the cornerstone, the capsule was retrieved. New items such as coins and newspaper articles from today will be added, and the time capsule will be put back in the cornerstone this spring.

The new brick church building was dedicated on April 10, 1878.

The Methodists in Argyle, along with the Presbyterians, were quite involved in the issue of temperance.

In the spring of 1877, it was reported in several local papers that some vandals had sheared the horses of the Rev. Mr. Kane and the Rev. Mr. Hall.

This shearing, supposedly in response to the efforts on the part of the two pastors on behalf of temperance, was termed "an outrage upon their respective horses" and a "rascally act."

The perpetrators were identified as "the whiskey ring," and the Granville Sentinel noted, "no arrests as yet have been made, but the affair is receiving active attention, and there is little doubt but what the scall-wags will receive their just desserts."

As it turned out, activities of the "whiskey ring" were in vain. To this day, Argyle is a dry town.

Today, the church's pastor is the Rev. Steven Smith. The church consists of a small tightly woven group of families whose membership is part of their family tradition.

The Argyle congregation, Smith said, is more conservative than the United Methodist Church at large. It has 200 members, though perhaps only 55 are in attendance on a given Sunday.

For many years, Smith said, the "unifying" role that the church has historically played in town has been gradually taken over by the school. Lately, however, he has noticed a change.

"The church seems to be on an upswing right now. That's encouraging; there seems to be renewed interest at this point."

Smith said he and others have sensed a spiritual revival in this region, which has seen those who had perhaps fallen away from the church, or become apathetic, returning—especially the younger families with children.

Although Smith said the church has no formal evangelistic activities, many members embark on evangelism on their own.

The church as a whole serves the community through allowing the Sheridan Fellowship Hall to be used by different local groups. The United Methodist Women's Group will often be asked to prepare and serve the meals for many of the meetings held there.

Renovations have recently been completed on the parsonage, the bell tower, and the church's ceiling. Also in the last year, a new organ was purchased that is now rigged to the church's chimes.

Although Smith himself will be leaving to pursue a master's degree in pastoral counseling this June, he feels this small traditional church will chart a steady course in the future, as it seeks to bring more into its fold and minister to those already there.

"Maintaining the status quo," he said, "has been a goal for a lot of them."

A TRIBUTE TO JOHN H. COSTELLO, SR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ATKINS. Mr. Speaker, sadly, I rise today to inform my colleagues of the passing of John H. Costello, Sr. John was a good and honorable man. He was a man of rare integrity and generosity. The loss to Lowell, MA, the community he loved and nurtured, is incalculable.

John was the publisher of the Sun, one of the oldest family-based newspapers in the country. The newspaper was founded by John's grandfather in 1878 and has been entrusted to succeeding generations ever since. John's legacy is now with his children who have trained a lifetime with their father for the responsible jobs they now fill at the Sun.

John established some remarkable standards for his newspaper in an era when keen competition in the media business has caused lesser men to cut corners for financial gain. He insisted that reporters have all the resources that a regional newspaper could reasonably provide. Given an option to enhance revenue by diminishing news coverage and increasing advertising space, John refused to sacrifice the space dedicated to news articles. Many reporters and editors have long remained loyal to the Sun, giving the newspaper many fruitful years under John's leadership. Others who went on to new pursuits in journalism did well in large measure because of the very personal, yet rigorous, training that was provided them by this small, high-caliber newspaper.

This is a time when impersonal corporate entities dominate the news business. So many communities have lost their local newspapers, and thus have lost a knowledgeable and fervent advocate for local concerns. Not so in Lowell, MA. Because of the commitment of John and his family, Lowell enjoys a newspaper that reflects the rich and varied texture of the community it serves.

John was a man of many accomplishments, even as a young man. He attended Lowell High School and Dartmouth College. Before returning to Lowell to begin his career with the Sun, he spent some years in the Navy and as a professional hockey player with the Boston Olympics. I can tell you he never lost his early love for his country nor did he ever lose his passion for sports. Both topics were liberally included in his spirited conversations and personal interests.

But, John, was truly a man of his community. He was a philanthropist, in an old fashioned way. Before committing his resources to a project, he asked only whether it was good for the community. It was a simple, but a precise standard. He did not require feasibility studies, charts, or grand designs; he relied on the integrity of the people involved and was guided by his keen understanding of the community that had absorbed his interest and concern for so many years.

Lowell, MA is a city that has changed so much over the years. As it is modernized to reflect new economic demands, it has also re-

tained the rich heritage unique to Massachusetts mill cities. At present, the Lowell National Park stands side by side with the Lowell plan and a network of private interests and non-profit groups, an alliance that is attributable to the energies of John and the dedication of his newspaper.

John was also a man of great personal appeal. He had many, many friends with whom he could share his prodigious interests: including sports, politics, business, community. But, for John there were two over arching and abiding interests and these were his family and his faith. He was an ardent family man. This was borne out of love and devotion and also out of sense of responsibility because he had a sacred trust to pass on to his children, the newspaper that had once been so lovingly entrusted to him by prior generations. And, there was his faith, deeply held and unmarred by time or adversity.

Mr. Speaker, my condolences go to his family and friends who, I am sure, can temper their sadness with the knowledge that John's accomplishments and achievements will long be remembered.

I wanted very much to express my own thoughts and reminiscences about John, but I am also eager to have my colleagues take note of the Sun's own poignant portrait of its publisher. It reads as follows:

JOHN H. COSTELLO, 1914-91: THE PUBLISHER

John H. Costello Sr. was a man of a few simple but fervent passions.

He loved God, and his religion drew the unwavering faith that sustained his quiet but deeply spiritual life.

He loved his wife and family, and from them drew the pride and happiness that sustained his rich and colorful personal life.

And he loved his hometown newspaper, and from The Sun drew the commitment that sustained his professional devotion to the city in which he was born, in which he is buried, and in which he spent his entire life.

John Costello's allegiance to The Sun was not something he acquired through his professional involvement as its publisher and president.

John Costello inherited ownership of The Sun from his mother, Mary Harrington, who in turn inherited the newspaper from her father, John H. Harrington, the founder of The Sun in 1878. As a result of the commitment of his ancestors to both Lowell and The Sun—which were inseparable in his eyes—John Costello did not look upon his role at the newspaper as an avocation or a profession. It was much more than that. He believed the work of the Harrington and Costello families at The Sun to be nothing less than the fulfillment of a sacred trust—a trust that was passed on in faith to him from his mother, and that he passed on in faith to his own children.

At The Sun, those three basic values—his faith, his family and his love of community—came together in perfect symmetry to shape the simple conviction with which he conducted his life.

If in doubt, John Costello would always fall back upon his faith, his family and The Sun as the moral rudders upon which he relied to decide the right thing to do.

And more often than not, what was right for John Costello was right for The Sun and for Lowell.

Many of John Costello's contributions to the city of Lowell can be readily measured. Under his direction, The Sun actively pur-

sued an outspoken editorial and significant financial stake in the community. When The Lowell Plan was formed, The Sun was there with its written support and a substantial donation. When the city needed a new YMCA or a new Boys Club, The Sun pitched in. And whenever he perceived what he believed to be a worthy cause, John Costello would point to Lowell Sun Charities in the right direction.

On the other hand, John Costello's contributions to The Sun cannot be measured in such tangible terms. He did not write columns or editorials, he did not make the daily management decisions, he did not oversee the production of the newspaper.

His gift was far more valuable than that.

More than anyone else, John Costello embodied the literal heart and soul of The Sun, and his contribution as such was immeasurable, and will be sorely missed.

Yet like his mother before him, and his grandfather before her, John Costello succeeded in passing on to his own children the ardent devotion to newspaper and community that formed the foundation of his own life.

There is much in John Costello's life in which he could take great pride.

He was a wonderful husband and father, a terrific athlete, a successful businessman, a generous philanthropist, and erudite student of the arts, and as witnessed by the heartfelt turnout at his wake and funeral, he was a beloved friend of many, many, many people.

But there is little doubt that the achievement in which he would take the greatest satisfaction is that he admirably fulfilled the sacred trust with which he was charged at birth, which he performed so well for 76 years, and which he has instilled so firmly in his own family.

The sacred trust of The Sun has been passed, and will be carried on by his children.

And that is John Costello's most precious legacy to the city he loved.

Those who knew and loved John Costello miss him dearly.

Those who did not know him have no idea what they missed.

GRADING BUSH'S EDUCATIONAL REFORMS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to call attention to an article which recently appeared in the San Diego Union. Dr. Thomas W. Payzant, the superintendent of the San Diego School District, has written a thoughtful commentary on President Bush's proposals for revamping and reinvigorating America's schools.

Dr. Payzant and I agree that the general thrust of "America 2000: An Education Strategy" is sound and encouraging. But clearly, additional resources will be needed to help support our Nation's schools.

It is one thing for us to debate educational priorities here in Washington, but we lack first-hand knowledge of the problems and challenges facing American schools today. For this reason, I know that Members will find Dr. Payzant's opinions helpful.

Mr. Speaker, at this point in the RECORD, I would like to submit Dr. Payzant's article,

"Grading Bush's Educational Reforms." I highly commend it to my colleagues:

GRADING BUSH'S EDUCATIONAL REFORMS

(By Thomas W. Payzant)

President Bush and his new education secretary, Lamar Alexander, took an important step forward for public education April 18 when they unveiled their four-part program. *America 2000: An Education Strategy*. A little over a year ago the President and the governors ended their historic meeting in Charlottesville, NC., with the announcement of an agreement on six ambitious national education goals to be achieved by the year 2000.

America 2000 is a strategy to achieve them.

Never in our history has it been more important to have an education president. A president who can rise above partisan politics and lead the nation in mustering the will to make America's schools the best in the world and to enable all of America's children to excel.

Leaders must have a vision for what can be and a strategy that will become a catalyst for action.

I have no quarrel with the President's vision. Who will argue about the need for better and more accountable schools; a new generation of American schools; a nation of students who are lifelong learners; and communities where learning can happen? I certainly want all children ready to learn when they start school, a high school graduation rate of at least 90 percent, students who meet vigorous subject matter standards in English, mathematics, science, history, and geography, and can think, solve problems, and make the decisions required of responsible citizens and productive employees.

But what are the strengths and weaknesses in the President's strategy? There certainly are some of each.

I support his New World Standards in the five core subjects, but what about the arts? The next time the President invites an artist to the White House, I hope he will think about adding fine arts as a sixth core subject. Basic skills and minimum standards of literacy, while essential, are not by themselves sufficient for young people to succeed in today's world.

The President is right to encourage the development of a voluntary nationwide examination system to help America understand what its young people know and can do. The danger is that too many people will be quick to praise or condemn based on the results of multiple-choice tests that measure minimum basic skills but cannot provide what the President envisions.

There are, however, thoughtful proposals for a curriculum-based national assessment system under consideration by the National Education Goals Panel which includes six governors and representatives from Congress and the administration. It will take time and money to develop a nationwide examination system that will promote school improvement and the student achievement we all desire, but it is a job I believe we must undertake.

The President cites six examples of excellent school projects he believes are the precursors of high performance schools. Two of these projects already exist in several San Diego Schools—Linda Vista Elementary is an RJR Nabisco Next Century School and other city schools are using the James Comer School Development Program. Do we really need to create 535-plus new American School prototypes as the President suggests? And must we use a new research and development corporation funded by business which

would bypass the existing federally financed research and development effort directed by Secretary Alexander?

A new \$150 million-\$200 million research and development structure is not the needed catalyst. We need venture capital far exceeding those modest amounts. We must support creative entrepreneurs like those who have begun dramatic reform efforts in schools such as our Linda Vista, Hamilton, and O'Farrell, and similar programs in schools in other districts across the country.

While several elements of the President's plan are fresh and new, his advocacy for parental choice of schools was predictable and potentially divisive. I am not afraid of choice and the competition it may stimulate for school improvement. In fact, considerable parental choice already exists in our district, and we encourage it as much as possible. However, I am tired of being told that I will have to compete against others who are not subject to the same public policies I must follow.

I believe that most public school educators are more than willing to be accountable and compare their performance with others. But at the same time, rules and regulations governing such things as student access and admission to schools, racial balance, programs for students with special needs, levels of funding, how teachers and principals are hired, and student discipline must be the same for all.

I support schools that want to be free from these rules and from public accountability. They play an important role and have a right to call themselves independent, but they have no justifiable claim to receive public tax dollars.

The President's plan for improving adult literacy, for encouraging life-long learning, and for paying more attention to the transition that people make from school-to-work are sensible. His challenge to create and sustain healthy communities and communities where education really happens based on the efforts of individuals, families, and groups is welcomed. His vision of communities that nurture children and provide them with people and places to which they can turn for help, for role models, and for guidance is excellent.

The President must continue to take the lead and convince the American people that dramatic improvements in our public schools and in student achievement are fundamental to the nation's survival. He must show the way by insisting that America can no longer be the only industrialized nation in the West without a thoughtful policy and action plan for universal prenatal care and for the first five years of a child's life.

He must convince the nation that America can no longer tolerate more than 20 percent of its children living below the poverty line. He must offer the hope that all of our children can meet world-class standards. He must insist that America can no longer allow government agencies that serve children, youth, and families to work isolated from one another. And he must make it clear that America can no longer ignore the old truism that an ounce of prevention is worth a pound of cure.

But exhortation alone is not enough. The President must do more. What other important effort supported by an American president has been denied major venture capital and dollars for action? Not defense, not the space program, not American industry. America's children deserve no less, and we cannot merely pass all of the responsibilities for action to the already overburdened states

and local school districts. Additional federal support is essential. I think one good place to begin would be to fully fund two existing federal programs that have worked well for children. They are the Head Start program and Chapter I, which provides special funding for economically underprivileged children.

Last week, I was scheduled to be in Washington at a meeting of the Large City School Superintendents. The group was invited to the White House for a briefing on America 2000. I wonder if the President would understand why I had to cancel my Washington trip?

I had to stay in San Diego to continue work on ways to cut \$37 million from the budget of the schools of the nation's sixth largest city. Cuts that had to be made without hurting children or lowering the morale and productivity of the thousands of teachers, principals, and others who want San Diego's schools to be the first to have their 121,000 students aspire to and reach the President's New World Standards.

CLAMSHELLS PERFORM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to recognize and congratulate a small business in my district that, like many businesses in the United States, supported the Allied presence in the Persian Gulf.

We have all read about the ingenious way in which our troops protected their equipment from the powder-like sand in the Saudi desert. Fewer of us have read about the superb—to use the accolades of AVSCOM—aviation maintenance shelters supplied by Clamshell Buildings of Santa Barbara.

These shelters are ingeniously designed to be easily erected and dismantled—and they can be used again. The ends can open and shut, much like a clamshell. The Army was able to erect these structures in the Saudi desert with very little site preparation and shield Apache helicopters, with their blades on, from the Sun and sand while maintenance work was performed. The protective covering was especially colored to fade into the sand and the Army reported that from 700 meters, these structures were virtually invisible.

On February 5, the Army Aviation Association of America honored Clamshell Buildings by presenting it with a Special Small Business Award, not only for the technical attributes of their shelters, but for their quick and competent response to an urgent Army request for a large number of shelters in a short space of time.

I am certain that my colleagues join me in extending our congratulations and thanks for Clamshell for its fine performance and contribution to our aircraft readiness in the Persian Gulf.

A VERY SPECIAL SALUTE TO REV.
BOB C. NELSON

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. VANDER JAGT. Mr. Speaker, 50 years ago this year, in September 1941, a dedicated, idealistic young man entered Bible Holiness Seminary in Owosso, MI, to train for service to his fellow man. We often celebrate graduations, and ordinations, and the significance of completing tasks.

In a special way, the very embarking on the road of service by the Reverend Bob C. Nelson, of Owosso, MI, was the sign of his total commitment—of the completion of his dedication to a future of faith and family, of service and struggle, of the triumph of spirit. It is fitting, then, that we take a moment to recognize the achievements, the contributions, the special "Point of Light" that the Reverend Bob Nelson represents to the seven communities he served as pastor, to the family he shared and nurtured, to the Nation for which he interrupted his clerical studies to risk his life in pursuit of the right of man to live free and worship the God to whom he was dedicated.

The break in his studies for service during World War II meant that Reverend Nelson was not ordained until 1948—but he began his active ministry as early as 1946, while still in school. As a minister of the Pilgrim Holiness Church Reverend Nelson was known as a "pioneer minister" in recognition of the fact that four of his seven pastorates were new churches planted in communities where the denomination did not yet have a church. Under the direction and support of the Pilgrim Holiness Church's District Conference Reverend Nelson went into Lapeer, Sterling, Sparlingville, and Holland, MI, establishing congregations.

Having married the former Thelma L. House in June 1946, these efforts represented great self-sacrifice and loving dedication on the part of the family, which eventually included three children, Gladys, Bob W., and Dan. In those moments when Reverend Nelson can be coaxed to recall his ministry's demands rather than its opportunities, he will remember a Sunday in his early ministry when the dollar he placed in the collection plate turned out to be the sum of that week's offering. He, and his caring and sharing family, made do.

In a special blend of the sacred and secular, the four churches he pioneered made of Reverend Nelson an architect, contractor, and carpenter. His efforts gave a special meaning to total involvement in the work of the church—and to congregational and community leadership. By his example he demonstrated to the flock he served the meaning of reaching out and providing comfort and assistance in every possible way.

In addition to Reverend Nelson's pastoral ministry in his own congregations, he involved himself in serving his denomination and its advancement. His great interest in supporting overseas missionary efforts was demonstrated in personal missionary endeavors in Jamaica, Haiti, and Mexico. He served as secretary of missions for the West Michigan Conference of

the Pilgrim Holiness Church and later for the Wesleyan Church following the denominations' merger in 1968.

Throughout his pastoral ministry, Reverend Nelson made time for community service. In our own Ninth Congressional District he served as secretary of the Holland/Zeeland Ministerial Association in support of community ecumenical activities, in PTA organizations and service clubs including the Holland Optimist Club. In this special way, Reverend Nelson demonstrated what he preached, service to family, to fellow man, to community.

After serving pastorates in Lapeer, 1946-51; Hope, 1951-53; Sterling, 1953-59; Sparlingville, 1959-64; Holland, 1964-81; Owosso, 1981-83; and Ithaca, 1984-87; Reverend Nelson retired to continue to serve his community in unofficial, itinerant, and prayerful missionary ways.

All too often we overlook the efforts of those who toil in our midst, who make great sacrifices, great contributions in small ways, who lead by their very lives. For the 17 years he served in our Ninth District, for his 40 years of ministry, and in recognition of the 50th year of his commitment to that life of devotion to family, church, and Nation, I hope my colleagues will share in my heartfelt gratitude and good wishes to the Reverend Bob C. Nelson.

**EDUCATION AND HEALTH: EQUAL-
LY IMPORTANT—BUT WHAT IF
WE PAID FOR EDUCATION THE
WAY WE PAY FOR HEALTH?**

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, in Lisbeth Schorr's thought-provoking book, "Within our Reach: Breaking the Cycle of Disadvantage," there is a great section entitled "The Bizarre World of Health Care Financing."

It is worth repeating:

How health services are paid for determines, more than anything else, how the health system operates—what services are available, who provides them, and who receives them.

One way of understanding the peculiar impact of financing arrangements on our health system is to visualize what schools would look like if they were financed the same way—that is, through fees for individual services, paid for directly by families and through insurance.

Most families would pay for most of their children's basic schooling out of their pockets. Children whose families lacked private means or insurance, but were poor enough to meet their states' criteria as to income, assets, and family composition, would qualify for school payment assistance from public funds. Only about half of all poor children would qualify for such help, and only certain kinds of schooling would be paid for. The specific services covered would be defined differently by each state. Some children would never go to school, because their parents couldn't pay and didn't qualify for public assistance. Some children would go to school sporadically, because they would be eligible for public support for part of the year, or for one year and not the next.

Teachers and schools would naturally be drawn to areas with high concentrations of families able to pay. Inner city areas and many rural counties would simply have no schools or teachers. Since market forces would also shape the curriculum, the ability to teach young children who enter school ill prepared, as many low-income children do, would receive scant attention in teacher training institutions or in practice. English composition would cease to be taught entirely, as teachers found that correcting written work was unprofitably time-consuming.

With college-bound children dominating the private market and public reimbursement set at lower rates, courses other than college preparatory would be uneconomic. Foundations might fund some demonstration programs in vocational education, but there would be few teachers with skills to teach them. Soon even private support would dry up when it became evident that schools could not make these courses self-supporting in the long run.

What may seem like an absurdity when applied to education is a reality in our increasingly market-oriented health system. The real-life effects of bizarre financial incentives are apparent everywhere.

TRIBUTE TO RUTH MOLLO

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LENT. Mr. Speaker, as a Member of this House, I have had the pleasure of befriending outstanding individuals in communities throughout my district on Long Island. One such individual is Mrs. Ruth Mollo of Oceanside, NY.

I am pleased to say that I have known Ruth since my first congressional campaign in 1970. I can attest to her outstanding work as a volunteer, community leader, and, most of all, parent. In fact, during a time when the American family is seemingly under attack from all sides, Ruth Mollo has given of herself to be a devoted mother and loving wife.

Recently, Ruth announced her intention not to seek re-election as trustee to the Oceanside Board of Education. Her presence on this panel will be deeply missed. During her tenure, she worked to ensure that the quality and diversity of the district's programs as well as its fiscal integrity were preserved. Ruth should take great pride in knowing that her high standards, style of management, and record of accomplishment will remain as a model to her successor in Oceanside and to other school districts.

In addition to the Oceanside School Board, Ruth Mollo has served as the PTA council president, copresident of Special Education PTA, vice president of Boardman Junior High School PTA, chairman of the PTA Council Curriculum Committee, assistant director of Nassau District PTA, vice president of the Oceanside High School Band Parents Association. She has also been active as a member of committees dealing with the Oceanside public schools disposition and reorganization study and the Oceanside school bond issue. In recognition of her tireless efforts on behalf

of education, Ruth Mollo received the New York State PTA Life Membership Award.

Ruth has worked with the Oceanside chapter of the American Cancer Society, the Oceanside Blood Drive, Oceanside Hadassah, B'nai B'rith, Kiwanianes of Oceanside, Girl Scouts of America, Oceanside Civic Association, and the Oceanside Counseling Center.

Mr. Speaker, Ruth Mollo's community service epitomizes the national spirit of voluntarism that President Bush has referred to as America's "Thousand Points of Light." It is fitting that on May 13, 1991, the Oceanside community will come together to honor Mrs. Ruth Mollo. I join with her family, friends, and neighbors, in offering my sincere congratulations and thanks.

**CHARLIE CROWDER MAY SOON
SEE HIS LONG-AWAITED DREAM
FINALLY COME TRUE**

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, Mr. Charles Crowder is the moving force behind the planning of the Eastern-most land crossing on the United States-Mexico border in Santa Teresa, NM. The project is the first and only binational master-planned community along the United States-Mexico border. Mr. Crowder has worked tirelessly to make this program commercially successfully by focusing on quality of life issues such as housing, schools, and medical facilities. In light of the pending free-trade agreement with Mexico, it is important that we recognize the possibilities of productive, long-term cooperation between our two countries.

ON THE HORIZON: PORT OF ENTRY AT SANTA TERESA, NM

(By Ken Flynn)

Developers of the new port of entry at Santa Teresa, N.M. are predicting a soon-to-be-opened crossing facility will herald unprecedented growth for the town.

But Santa Teresa will always be a good place to live and will not take on any of the characteristics of a shabby, dusty border town, vows Charlie Crowder, 58, mastermind behind the planning of the eastern-most land crossing on the U.S.-Mexico border.

The U.S. Government has already set aside \$6.1 million to eventually construct permanent inspection facilities at the new port, he said.

Diplomatic notes have established the Santa Teresa land mass as a port of entry, Crowder said. Crossing facilities will be temporary at first followed by permanent structures.

Crowder predicted the new port of entry will be opened in a few months, bringing the first traffic from Old Mexico just west of the Texas-New Mexico line. The new port of entry will connect with the Casas Grandes Highway south of Juarez. The road has been compacted, sub-graded and stabilized with private funds and is ready for paving he said.

Low-cost housing, based on an attainable market price, not produced by the government to meet demands, is a key to the orderly construction of "infrastructure" on the Mexican side of the crossing, Crowder said.

Santa Teresa is a community of 2,000 located on the U.S.-Mexico border across the New Mexico state line just west of the El Paso Country Club area. It is a 15-minute drive to downtown El Paso, 18 minutes by car to Ciudad Juarez, Mexico.

The community boasts hospital facilities, a bank, offices, shops, two 18-hole golf courses, the Santa Teresa Country Club, swanky residential developments, an airport with runways long enough to accommodate 737-type jets, housing for a variety of budgets, paved roads, an adequate underground water supply and lots of wide-open spaces.

Craig Paton, developer of El Mirador, a heavily-covenanted residential area, said the international port of entry would bring more prosperity to Santa Teresa but the crossing is not the only reason the town will grow.

He rattled off a litany of reasons why land and homes in the New Mexico community are more advantageous than those in the Country Club area of neighboring El Paso.

"Taxes are lower in New Mexico," he said. "There is no pollution here. Most of the pollution in El Paso settles to the east. Crime in Santa Teresa is almost non-existent. Homes are covered by private security arrangements."

A water supply estimated to last 500 years, tennis, golf and swimming at affordable prices and beautiful views of the desert from all sides are also being touted to lure homeowners from Texas and other parts of the country, he said.

"The desert here is beautiful," Paton said. "We plan to enhance the beauty of the desert by building and landscaping to blend into the Southwest."

El Mirador, he said, has been patterned after the Southwestern desert communities of Scottsdale and Phoenix in Arizona.

Preserving the beauty of the residential areas of Santa Teresa is not the only concern of the community. John Dillon, development manager of the Santa Teresa Land Company, said the esthetics of a proposed industrial park at the Santa Teresa Airport should become a model for all such operations in the United States.

The airport industrial park is being developed on 220 acres of land that will be fully master planned. The engineering work, laying out of streets, site specific engineering, utilities, etc., is being supervised by two prestigious developers, John O'Donnell of Irvine, Calif., and Marshall Bennett of Chicago, Ill., who are the owners of the park. Bennett was a former senior partner in the firm of Bennett and Kahnweiler, one of the largest developers in the Chicago area. O'Donnell has developed 18 million square feet of industrial property on the West Coast.

"We have placed covenants on the industrial park to insure that the property will be a quality development," Dillon said. "We are conscious of the environment and esthetics is very much a part of our operation."

Industrial facilities will be built to suit the needs of the tenants, Dillon said.

"The El Paso area is absorbing 2 million square feet of industrial space a year and we expect to get our fair share," he said. "We expect to attract manufacturing and warehouse facilities, especially those businesses associated with the 'maquiladora' industry."

Dillon said the Santa Teresa industrial park will be patterned after the Irvine Ranch, an 80,000-acre industrial development that has been hailed as the best in southern California.

While developers are anticipating a boom when traffic begins to flow through the port

of entry, industrial development efforts have already begun. Dillon said sites are now available at the airport industrial park. The Santa Teresa Land Company has already opened an office at 1212 Country Club Road, Suite B-1.

Santa Teresa is only 20-25 minutes away from El Paso International Airport, he said, and only 10 minutes from downtown El Paso, giving residents the best of both worlds—a small desert community next to the 1.7 million El Paso-Juarez international metroplex.

The town is already host to Charter Hospital, a psychiatric facility, Santa Teresa Immediate Care Center, one of two medical centers for immediate care, and Rio Valle Recovery Center providing a unique cultural alcohol and substance abuse program. A 24-hour care facility is scheduled to open some time in 1991.

The First National Bank of Dona Ana County has a branch in Santa Teresa. Developers say a second bank from Albuquerque is considering setting up a branch in the town.

Future plans call for development of a horse-oriented residential development in the near future, Paton said.

Crowder, who is president and Chief Executive Officer of Santa Teresa International, Inc., gives the credit for development of Santa Teresa to a former president of Mexico, Adolfo Lopez Mateos, who suggested to him that the New Mexico desert west of El Paso be developed as a port of entry.

Lopez Mateos had the vision that is now becoming a reality," he said. "It has taken a long time to get to where we are now."

Crowder first acquired land in the Santa Teresa area in 1970, built a country club with two 18-hole golf courses in 1974 and sold it to golf great Lee Trevino, who opened it in 1975. Trevino, beset with financial problems, sold the club back to Crowder in 1979.

The effort to buy federal land adjoining the border was finalized in 1985 when Crowder acquired 21,000 acres of Bureau of Land Management land contiguous to his country club and the international border.

"If I'd have known it was going to take me that long to acquire the land I would have quit," he quipped.

Santa Teresa's location is a quirk in the geography of the border. When the crossing is opened it will be the easternmost land crossing along the 2,000-mile U.S.-Mexico border.

The Rio Grande flows south from the highlands of Central New Mexico, intersecting the state, and turns southeast downstream at El Paso. From the westernmost tip of Texas for the next 1,200 miles to the Gulf of Mexico, the Rio Grande is the border between Mexico and the United States.

But at Santa Teresa, the only boundary between the two countries is an imaginary line in the desert.

Crowder said he envisions a palm-lined port of entry with a population on both sides supported by industry.

A Harvard group headed by Professors Charles W. Harris and Jonathan S. Lane reported in 1989 that the Santa Teresa development plan was the first and only binational master-planned community along the U.S.-Mexico border.

Consultants say the population of Santa Teresa has the capability of expanding to 225,000 residents over the next 10 years.

The success of Santa Teresa will hinge on continued progress in the "maquiladora" or twin-plant industry.

Under the "maquiladora" plan U.S. industries provide raw materials and unfinished goods to factories they own in Mexico. The

products are assembled in Mexico and sent back to the United States for sale. U.S. tariffs are charged only on that portion of the product improved or assembled in Mexico.

Americans profit from Mexico's low wages, which are now about \$4 a day. Most of the work is labor intensive.

Crowder said he was concerned with the rapid development of communities along the border, where thousands of people have flocked, creating problems of housing, water and sewage.

"The key to prevent these kinds of problems is to provide housing at prices that can be afforded by Mexican workers," he said. "We propose to build low-cost housing in village clusters near industries so that workers will be able to walk to work."

Moderate-income housing for workers will also be developed in the 28,000-acre community on the U.S. side of the border, he said.

Crowder envisions the development of low-cost housing that could be purchased by factory workers and paid off in five years. He said the housing would establish a stable labor pool in Santa Teresa.

Barron's National Business and Financial Weekly pointed out in a recent article that Santa Teresa's master-planned residential, industrial and commercial development could become the prototype of all projects involving the development of infrastructure in border communities.

Santa Teresa International Inc. is not only building infrastructure but also will improve transportation between the two countries. The Southern Pacific rail system, a major east-west line, goes directly through the community.

Crowder said he is concentrating on the quality of life issues such as housing, schools and medical facilities. Plans are on the drawing boards to dedicate land in Santa Teresa for a high school, when the population warrants it, he said.

New Mexico has a good public school system, he said, with a high percentage of students who are accepted in college. Residents of Santa Teresa are close to the University of Texas at El Paso, just a few minutes away, and New Mexico State University in Las Cruces, 50 miles north.

Developers say the construction of buildings on both sides of the border at Santa Teresa in the years to come could exceed \$1 billion.

The community already boasts a \$10 million fiber optics plant built by U.S. West, a Foamex plant, Griffith Miro Sciences, Acme Mills, Prepared Foods and the oil-well division of USX.

Developers also agree a key factor to the successful development of Santa Teresa is the continued popularity of the "maquiladora" or twin-plant industry.

International planners say the "maquiladora" industry will flourish, even though the United States and Mexico are headed for a free-trade agreement which will lower tariffs.

Juarez has witnessed a tremendous growth as a result of the industry. The city has 300 plants, hiring 140,000 workers.

Nationwide, the industry has become the third largest producer of foreign capital, behind the oil industry and tourism. There are 1,750 "maquiladora" plants in Mexico, employing more than 450,000 workers. Within the next five years planners in Mexico forecast an increase to 2,600 plants, employing 625,000 workers.

Crowder insists that the proper social infrastructure for Santa Teresa to successfully capture its share of that predicted increase

must include meeting the needs of low-income workers in order for any border community to succeed.

"The social infrastructure must accommodate the least affluent," he said. "We must offer housing at cost-driven prices, not demand-driven. We don't want to build a company town—this is not welfare. It's an investment in human capital. We must enable workers to provide a decent life for their families."

Crowder said the plans for development of the Mexican side of Santa Teresa take into consideration the needs of a 1-year-old infant and an 85-year-old grandmother.

"There's an old saying, 'don't step on people on your way up because you may meet them on the way down,'" he said. "We have to recognize the real people of the world and they don't buy \$100,000 homes."

Crowder said the development of Santa Teresa will be sensitive to the environment and will protect what they can.

"Money is attracted to attractive communities," he said.

Crowder said he believes the most important element of U.S. relations with Mexico is the investment of human capital.

"Mexico's ability to raise the standard of living for its population will determine to what degree and at what time it becomes an equal trading partner with the United States," he said.

IN MEMORIAM TO A DEDICATED
PUBLIC SERVANT: BENJAMIN
FRANKLIN BAER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MICHEL. Mr. Speaker, on April 9 we lost a great public servant and I want to say a few words about Benjamin Franklin Baer for several reasons.

He was a cousin of mine and as young boys we spent a great deal of time together, working on his father's nursery farm, raising carnations primarily, for shipment to the big cities.

He got his undergraduate degree from San Diego State University and received a master's degree in social work from the University of Southern California. He began his corrections career in 1942 as director of a Los Angeles County probation camp. From 1954 to 1960 he was associate warden of San Quentin prison. Other posts included service as Iowa's corrections director and as Minnesota youth commissioner. He joined the Federal Government and the Parole Commission in California in 1974, and became the Chairman of the U.S. Parole Commission in 1982.

The Commission is an independent agency within the Justice Department with the power to deny or approve parole applications, issue regulations and create regional offices.

In addition to being Chairman of the Commission, he was also a member of the U.S. Sentencing Commission. He also had served on President Kennedy's Juvenile Delinquency Commission.

Obviously, my cousin Ben was apolitical, and dedicated to public service. His contributions in the field of corrections were enormous.

At this point, I would like to include the cover page of the April 15 issue of Monday Morning Highlights, U.S. Department of Justice, Federal Prison System, for it covers in brief both the sentiments of the Department and myself, and feel it appropriate to have it inserted at this point in the CONGRESSIONAL RECORD.

IN MEMORIAM: BENJAMIN F. BAER

On April 9, Benjamin F. Baer, Chairman of the U.S. Parole Commission, passed away following heart surgery. Chairman Baer was renowned in the field of corrections for his many contributions over the past half-century, and was an especially close friend of the Bureau.

Mr. Baer was appointed to the Parole Commission in January 1982 by President Reagan, and was designated Chairman in March of that year. He was an ex officio member of the U.S. Sentencing Commission, a member of the National Institute of Corrections Advisory Board, and a former member of the Board of Directors of the American Correctional Association and the National Council on Crime and Delinquency. Mr. Baer began his career as a probation officer in 1942. He was Iowa's first director of corrections, served in the Minnesota and California departments of corrections, and was a Federal parole hearing examiner.

Director Quinlan said, "Benjamin Baer's contribution to the field of corrections has been enormous. His philosophy and ideas concerning corrections, and especially intermediate sanctions and community supervision, have met with worldwide acceptance. The Chairman's untimely death is a tremendous loss to the field of corrections and the Federal law enforcement community. Together with Ben's innumerable friends in the Bureau of Prisons and corrections internationally, I will miss him dearly."

A committed proponent regarding the need for intermediate community punishments, Mr. Baer implemented a number of intermediate sanction projects now being used as models for the Federal system. For example, he pioneered the use of home confinement with electronic monitoring for Federal offenders in parole status. In testimony before the House Appropriations Committee, he strongly supported the allocation of additional resources for supervision of offenders in the community. He wrote numerous articles and gave presentations worldwide in support of community supervision; an article entitled "When Prison Isn't Punishment Enough" will appear in the spring issue of the American Bar Association magazine Criminal Justice.

In 1988, Mr. Baer initiated the National Committee on Community Corrections—a group of criminal justice professionals, academicians, and individuals from the public and private sectors—to promote an effective system of community corrections nationally for criminal behavior. In 1989, he served as a delegate in the People to People Citizen Ambassador Program, and met with counterparts in the Soviet criminal justice system.

Mr. Baer is survived by his wife Frances and three children. Cards may be sent to the family at 10925 Wickshire Way, Rockville, MD 20852.

THE WORKING FAMILY TAX
RELIEF ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. DOWNEY. Mr. Speaker, today, along with my colleagues Messrs. GEORGE MILLER, DAVID OBEY, PETE STARK, and RON DE LUGO, I am introducing The Working Family Tax Relief Act of 1991. Restoring tax fairness to America and providing greater assistance to working families with children are the main themes behind this legislation. Identical legislation is being introduced in the Senate by Senator AL GORE. The printed text of the legislation follows:

H.R. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Family Tax Relief Act of 1991".

TITLE I—REFUNDABLE CREDIT FOR
CHILDREN

SEC. 101. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. TAX CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to \$800 multiplied by the number of qualified personal exemptions of the taxpayer for the taxable year.

"(b) LIMITATION ON CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed the greater of—

"(1) \$400, or

"(2) 20 percent of the sum of—

"(A) the earned income (as defined in section 32(c)) of the taxpayer for the taxable year, and

"(B) the amount received in cash by the taxpayer during the taxable year for the support of children of the taxpayer from any individual required to support such children pursuant to a child support decree or agreement.

"(c) QUALIFIED PERSONAL EXEMPTION.—For purposes of this section, the term 'qualified personal exemption' means any personal exemption which (but for section 151(d)(3)) would be allowed to the taxpayer under section 151 for a child of the taxpayer (as defined in section 151(c)) who has not attained age 18 at the close of the calendar year in which the taxable year of the taxpayer begins.

"(d) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1992, each dollar amount contained in subsection (a) or (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of \$10, such in-

crease shall be rounded to the nearest multiple of \$10 (or if such increase is a multiple of \$5, such increase shall be rounded to the next highest multiple of \$10).

"(e) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

"(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

"(2) the laws referred to in paragraphs (1) through (5) of section 32(j)."

(b) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—The exemption amount for any qualified personal exemption (as defined in section 35(c)) shall be zero."

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Tax credit for children.

"Sec. 36. Overpayments of tax."

TITLE II—CHANGES IN INDIVIDUAL INCOME TAX RATE STRUCTURES

SEC. 201. INCREASE IN INCOME TAX RATES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$32,450	15% of taxable income.
Over \$32,450 but not over \$78,400.	\$4,867.50, plus 28% of the excess over \$32,450.
Over \$78,400 but not over \$110,000.	\$17,733.50, plus 32% of the excess over \$78,400.
Over \$110,000	\$27,845.50, plus 35% of the excess over \$300,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$26,050	15% of taxable income.
Over \$26,050 but not over \$67,200.	\$3,907.50, plus 28% of the excess over \$26,050.

Over \$67,200 but not over \$94,000.	\$15,429.50, plus 32% of the excess over \$67,200.
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Over \$94,000	\$24,005.50, plus 35% of the excess over \$94,000.
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"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$19,450	15% of taxable income.
Over \$19,450 but not over \$47,050.	\$2,917.50, plus 28% of the excess over \$19,450.
Over \$47,050 but not over \$66,000.	\$10,645.50, plus 32% of the excess over \$47,050.
Over \$66,000	\$16,709.50, plus 35% of the excess over \$66,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$16,225	15% of taxable income.
Over \$16,225 but not over \$39,200.	\$2,433.75, plus 28% of the excess over \$16,225.
Over \$39,200 but not over \$55,000.	\$8,866.75, plus 32% of the excess over \$39,200.
Over \$55,000	\$13,922.75, plus 35% of the excess over \$55,000.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$3,300	15% of taxable income.
Over \$3,300 but not over \$9,900.	\$495, plus 28% of the excess over \$3,300.
Over \$9,900 but not over \$13,200.	\$2,313, plus 32% of the excess over \$9,900.
Over \$13,200	\$3,369, plus 35% of the excess over \$13,200."

(b) TECHNICAL AMENDMENT.—Section 541 of such Code is amended by striking "28 percent" and inserting "35 percent".

SEC. 202. SURTAX ON HIGHER INCOME INDIVIDUALS.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—SURTAX ON HIGHER INCOME INDIVIDUALS.

"Sec. 59B. Surtax on section 1 tax.

"Sec. 59C. Surtax on minimum tax.

"Sec. 59D. Special rules.

"SEC. 59B. SURTAX ON SECTION 1 TAX.

"In the case of an individual who has adjusted gross income for the taxable year in excess of the threshold amount, the amount of the tax imposed under section 1 for such taxable year shall be increased by 11 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section) as—

"(1) the amount by which the adjusted gross income of such individual for such taxable year exceeds the threshold amount, bears to

"(2) the total amount of such individual's adjusted gross income for such taxable year.

"SEC. 59C. SURTAX ON MINIMUM TAX.

"(a) IN GENERAL.—In the case of an individual who has adjusted alternative minimum taxable income for the taxable year in excess of the threshold amount, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 3.19 percent of the amount by which the adjusted alternative minimum taxable income of such taxpayer for the taxable year exceeds the threshold amount.

"(b) ADJUSTED ALTERNATIVE MINIMUM TAXABLE INCOME.—For purposes of this section, the term 'adjusted alternative minimum taxable income' means alternative minimum taxable income determined without regard to any itemized deductions.

"SEC. 59D. DEFINITION AND SPECIAL RULES.

"(a) THRESHOLD AMOUNTS.—For purposes of this part, the term 'threshold amount' means—

"(1) \$250,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(2) \$200,000 in the case of a head of a household (as defined in section 2(b)),

"(3) \$125,000 in the case of a married individual (as defined in section 7703) who files a separate return, and

"(4) \$150,000 in any other case.

"(b) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(c) COORDINATION WITH OTHER PROVISIONS.—The provisions of this part—

"(1) shall be applied after the application of section 1(h), but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. Surtax on higher income individuals."

SEC. 203. INCREASE IN RATE OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended by striking "24 percent" and inserting "29 percent".

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 897(a) of such Code is amended—

(1) by striking "21 percent" in the text and inserting "29 percent", and

(2) by striking "21-PERCENT" in the heading and inserting "29-PERCENT".

SEC. 204. REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS AND PHASEOUT OF PERSONAL EXEMPTIONS.

(a) REPEAL OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(1) IN GENERAL.—Section 68 of the Internal Revenue Code of 1986 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 56(b) of such Code is amended by striking subparagraph (F).

(B) Subparagraph (A) of section 1(f)(6) of such Code is amended by striking "section 68(b)(2)".

(C) The table of sections for part I of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 68.

(b) REPEAL OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(1) IN GENERAL.—Subsection (d) of section 151 of such Code is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 151(d) of such Code, as redesignated by paragraph (1), is amended to read as follows:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 1989' in subparagraph (B) thereof."

TITLE III—INCREASED EARNED INCOME CREDIT

SEC. 301. INCREASED EARNED INCOME CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed \$5,714.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of \$5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds \$9,000.

"(b) PERCENTAGES.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the percentages shall be determined as follows:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	22	17
2 qualifying children .	27	17
3 or more qualifying children	32	17.

"(2) TRANSITION PERCENTAGES.—

"(A) For taxable years beginning in 1992, the percentages are:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	18	13
2 qualifying children .	20	13
3 or more qualifying children	22	13.

"(B) For taxable years beginning in 1993:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	19	15
2 qualifying children .	22	15
3 or more qualifying children	25	15.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 32(1)(2) of such Code is amended by striking "subsection (b)(1)" and inserting "subsection (a)(1)" and by striking "subsection (b)(1)(B)(ii)" and inserting "subsection (a)(2)".

(2) Paragraph (3) of section 162(1) of such Code is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 of such Code is amended by striking subsection (f).

(4) Subparagraph (B) of section 3507(c)(2) of such Code is amended—

(A) by striking "section 32(b)(1) (without regard to subparagraph (D) thereof)" in clause (i) and inserting "section 32(b)",

(B) by striking "section 32(b)(1)(B)(ii)" in clause (ii) and inserting "section 32(a)", and

(C) by striking "section 32(a)(1)" each place it appears and inserting "section 32(a)".

TITLE IV—ADVANCE PAYMENTS FROM SECRETARY OF THE TREASURY OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN

SEC. 401. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of sections 32 and 35.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if—

"(1) the taxpayer elects during the preceding taxable year to receive payments under this section during the taxable year and declares his intention not to receive payments under section 3507 for the taxable year,

"(2) the taxpayer furnishes, as such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(A) determine whether the taxpayer will be entitled to a refund by reason of sections 32 and 35 for the taxable year, and

"(B) estimate the amount of such refund, and

"(3) the Secretary determines that the taxpayer will be so entitled and the estimated amount of such refund (without regard to this section).

"(c) TIMING AND AMOUNT OF PAYMENTS.—

"(1) AGGREGATE PAYMENTS.—The aggregate payments made by the Secretary under this section to a taxpayer for the taxable year shall equal approximately 80 percent of the Secretary's estimate under subsection (b)(3).

"(2) QUARTERLY PAYMENTS.—The Secretary shall make the payments under this section on a quarterly basis in approximately equal amounts.

"(d) OTHER PROVISIONS.—

"(1) PROCEDURES TO ASSURE PAYMENTS TO INDIVIDUALS HAVING ADJUSTED GROSS INCOMES OF \$12,000 OR LESS.—If a taxpayer has an adjusted gross income of \$12,000 or less for any taxable year and the Secretary accepts a taxpayer's certification that he reasonably expects that his income tax return for the following taxable year will be substantially similar to his income tax return for the taxable year, the Secretary shall make all reasonable efforts to make payments under this section to such taxpayer for such following taxable year.

"(2) CHANGES IN ESTIMATED REFUND.—If, at any time, the Secretary changes his estimate under subsection (b)(3) for any taxable year, the Secretary may adjust subsequent payments under this section for such taxable year to reflect the new estimate.

"(3) COORDINATION OF PAYMENTS WITH CREDITS.—

"(A) IN GENERAL.—If any payment is made by the Secretary under this section to any taxpayer for a taxable year, then the taxpayer's tax imposed by chapter 1 for such taxable year shall be increased by the aggregate of such payments.

"(B) RECONCILIATION.—Any increase in tax under subparagraph (A) shall not be treated as a tax imposed by chapter 1 for purposes of determining the amount of any credit allowable under subpart C of part IV of subchapter A of chapter 1 other than the credits allowed by sections 32 and 35."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Advance payments of earned income credit and credit for children."

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1991. Section 15 of the Internal Revenue Code of 1986 shall not apply to any amendment made by this Act.

CARMEN LASAR: THE CITY OF ALAMEDA'S 1991 WOMAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, I am proud to rise today to pay tribute to Ms. Carmen Lasar, who was recently voted the "1991 Woman of the Year" by the city of Alameda in California's Ninth Congressional District.

Ms. Lasar was born in Burnett, WA, and moved to the area in 1957 where she became active in a number of organizations such as the PTA, and the Robin Hood Chapter Children's Society. In 1970, she joined the board of the Oakland SPCA.

She has also been involved in animal organizations for decades. However, it was in 1973 that she became truly involved. A neighbor, Nina Franck, who had tried to get help from authorities to rescue a duck from a lagoon called Ms. Lasar. They rescued the injured duck, took it to the local animal shelter and found the shelter a mess. Instead of complaining to the authorities, Ms. Franck and Ms. Lasar started their own organization, the Alameda Rescue and Control—which later became the Humane Society. With their first fund-raiser, the organization raised enough money to purchase a pressure cleaner for the kennels. The organization is now 300 members strong.

Ms. Lasar still goes to the shelter at least twice a week and sometimes daily. She does everything from walking dogs to washing dishes to transporting animals to finding them homes. She also helps people get animals spayed and neutered and, if an animal comes in injured, she makes sure it is treated so it becomes adoptable. Ms. Lasar also writes a weekly column in the Alameda Times-Star which describes homeless animals at the shelter and gives animal care tips.

Mr. Speaker, I would like to take this opportunity to congratulate Ms. Lasar on being chosen by the city of Alameda as their "1991 Woman of the Year." Her compassion and dedication serve as an example to us all.

**TRIBUTE TO DETECTIVE SGT.
PAUL MURRAY—ONE OF NASSAU
COUNTY'S FINEST**

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LENT. Mr. Speaker, it is a pleasure for me to take the floor and inform my distinguished colleagues of the accomplishments of one of my constituents. On this occasion, I rise to recognize and pay special tribute to Detective Sgt. Paul Murray of the Nassau County, New York Police Department. Detective Murray currently resides in Farmingdale and he is a lifelong resident of Nassau County.

Yesterday, April 29, 1991, marked Detective Sergeant Murray's 25th anniversary with the NCPD and, I have been informed, the continuation of an extraordinary record of devotion and service. During his quarter century with Nassau County's finest, Paul Murray has compiled a perfect work attendance record, having never taken even one sick day.

Detective Murray's complete dedication to his law enforcement responsibilities has been an inspiration to friends, family, and brother officers. For the last 10 years, he has been doing an outstanding job with the NCPD's Juvenile Aid Bureau and has served as the supervisor of the juvenile aid activities of four south shore precincts.

Mr. Speaker, it is a privilege and an honor to represent outstanding individuals like Detective Sgt. Paul Murray in this House. While working with troubled youngsters is an extremely difficult and demanding job, Paul Murray's selfless devotion has helped to en-

sure that it is done right in Nassau County. I offer him every best wish for continued good health and extend the congratulations and thanks of the people of the Fourth Congressional District.

**JANE KINGSLEY COSSEY: 102
YEARS YOUNG**

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SOLOMON. Mr. Speaker, soon I am going to have the pleasure of visiting a very special lady. Jane Kingsley Cossey of Glens Falls, NY is 102 years young. And the amazing thing is that one of her three sisters is even older. But that is only part of the story I would like to bring to your attention.

A year ago, a Warrensburg mother of teenagers met Janey, as she is called, in Glens Falls Hospital, was as charmed as everyone else that knows her, and decided to take her home.

It is a heart-warming story, and I would like all of you to read about it. That is why I am proud to place in today's RECORD an article on this remarkable lady in a recent edition of my hometown newspaper, the Glens Falls Post-Star:

**A VERY SPECIAL FAMILY MEMBER—
WARRENSBURG FAMILY ADOPTS 102-YEAR-
OLD GRANDMOTHER**

(By Janet Marvel)

WARRENSBURG.—This is a love story. It began only last May. The players are Jane Kingsley Cossey, who is 102 years old, and the multi-generational York family, which includes a 6-month-old baby, assorted teenagers and a managerie of pets.

It is a story of affection and warmth, in which the Cheryl and Bud York family opened its heart and its Warrensburg home to Cossey for the past year. Cossey is no relation, by blood or marriage, but by now is, and will remain, an integral member of the household.

The Yorks will honor their adopted member on Mother's Day, May 12, at an open house to celebrate Cossey's 103rd birthday. The celebration will run from 1 to 5 p.m. at the York home at 57 Library Ave. in Warrensburg.

This particular story began last summer, when Cheryl and Cossey shared a patient room at Glens Falls Hospital.

"Jane was in for a broken left hip last May and came in the day before I did," Cheryl said. "I fell in love with her. I can't explain it. I went home and promised to come back to see her. I did. She was there for 61 days, and she was going downhill. I proposed the idea to people that I bring her home, and I got a lot of flak."

In the end, though, Cheryl told Bud what she was going to do, and he said, "Fine."

Cossey's new life certainly agrees with her. She came to the York home weighing 72 pounds, Cheryl said; she now weighs 95 pounds.

One thing Cossey has brought to the household is a sense of humor.

"When I was bringing Janey home from the hospital," Cheryl said, "she said her nose itched. I said that meant she would kiss a fool. Janey said, 'Hand me the mirror.'"

"One day," she continued, "Bud was talking to Janey and holding her hand. He said how soft Janey's hands were. 'They should be,' Janey told him, 'I don't do anything here.' Bud laughed."

Cossey joins Jude Burke, 11, Reigan Burke, 15, Tiffany Burke, 20, Carrie York, 14, and Tiffany's son, 6-month-old Zachary Harrison. The family is rounded out with eight birds, two cats, three ducks, a dozen chickens and a horse.

"I love to live here," Cossey said. "The kids do so many nice things for me. They wait on me so much and give me drinks of juice and water. I enjoy everything about it. . . . The bird gets on my shoulder and bites my ear. The cat plays with my finger."

Cossey enjoys a special relationship with Jude, whom Cheryl calls "openly affectionate" to Cossey.

Coming home from school with her backpack in hand, Jude sat on the arm of the stuffed chair where Cossey sat in stylish white slacks, white sweater and dark green silk blouse. She warmly greeted the lady she calls Janey, and took her hand. "You look very pretty today," she told her. "Your nails look nice."

"Janey is the sweetest thing," Jude said with a smile. "I've never felt comfortable around older people, but I feel she is my age. She's real neat to talk to. Sometimes I tell her what I did at my friend's house. Or I ask her questions about her life; that's real interesting."

Jude said she recorded on tape some of their conversations.

"Jude taped things I remembered," Cossey said. "I lived on a farm in the town of Horicon. We raised vegetables, and I helped my mother. We had sheep and two pigs. We had chickens, but I was a bit afraid of them."

Sometimes, Jude styles Cossey's hair or does her nails. Once, Cossey said, Jude "fussed" with her hair, putting it into different shapes with a variety of clips and barrettes.

"She looked like a young kid or a clown. Jane had a lot of fun, and we did a lot of laughing that day," Cheryl said.

Cossey agreed: "They had a nice time, and so did I."

One of nine children, Cossey was born May 11, 1889, to Melvin and Evangeline Kingsley. Her great-grandfather came to this country from England, she recalled.

About age 20 she moved to Glens Falls, where she lived until four or five years ago. She married Irving Cossey, a plumber in the Lake George-Glens Falls area, who died 27 years ago.

Cossey lived alone until she was 101, when she moved to the Adirondack Manor nursing home in Queensbury. When she broke her hip in May, she entered Glens Falls Hospital, where she met Cheryl.

Occasionally, Cossey visits with her three sisters, who also live in the area. She chats by phone with her 103-year-old sister, Lena Pratt, in Saratoga, and talks to 84-year-old Leota McKinstry of Ticonderoga and 98-year-old Hattie Hagard of Pottersville.

Last November Cheryl invited the three sisters to her Warrensburg home for Hagard's birthday.

"It was amazing, a 101-year-old had three living sisters, and one who is older," Cheryl said. "The four women sat here and laughed. They were a scream. They all have that dry sense of humor."

When people ask how Cossey and Cheryl are related, Cossey has an answer:

"I tell them Cheryl is my mother, and usually they laugh," she said with a grin.

"Cheryl is supposed to say, 'I look good for my age.'"

A GRAND AND GLORIOUS SETTING FOR THE GRAND HOTEL OF MACKINAC ISLAND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. VANDER JAGT. Mr. Speaker, the great State of Michigan, the Ninth District of which I have the honor to represent in the Congress, is justly famed for the contributions it has made to America's industrial revolution. The legacy of Henry Ford and the modern revitalization of the automobile industry in response to changing demands in the marketplace demonstrate both an industrial heritage and a solid future.

But the people of our great State have also long celebrated its beauty as a respite from the labors of the field and factory. The State motto: "If you seek a pleasant peninsula, look around you, is a testament to the founding fathers of the State and their sense of pride in its beauty." I am especially pleased that the Ninth District, on the western side of the State, is the site of so many of the beauties and recreational opportunities which Michigan offers.

There is a special place in Michigan, however, where it is truly possible to "look around you" and to see the State's unique beauty—and find tranquillity in being protected from the intrusion of the fruits of our industrial labors. The Grand Hotel on Mackinac Island—aptly named and, in the past several years lovingly reestablished as the proudest lady of Michigan's recreational tradition—is a testament to the vision of its owner, R. Daniel Musser. As an employee of the hotel during less elegant times he dared dream of restoring Michigan's preeminent escape from its preeminent industry to its former glory. He has done so faithfully and magnificently in the finest tradition of a truly grand old lady.

Len Barnes, editor in chief of Michigan Living magazine, wrote of the tradition of the Grand Hotel on the occasion of its centenary 4 years ago. In addition to its unique site on a bluff, on an island, offering a special opportunity to look around the Grand is blessed by the island's prohibition against motor vehicles. But the outstanding dedication of Dan Musser, and the grand lady speak best—and I commend Mr. Barnes' telling of their story to your attention:

MACKINAC ISLAND'S GRAND HOTEL TURNS 100
(By Len Barnes)

"It's a big white elephant," the Petoskey Independent Democrat called Grand Hotel on Mackinac Island in 1893, only seven years after it opened. A two-month season (July-August) and undependable weather made it a big money loser after its completion to stimulate passenger traffic on a railroad and a ship from Chicago. Lowering room rates of \$4 and \$5 (including three meals) didn't help much.

"It's an aged wooden frame building, held together by more coats of white paint than one can count."

That's how Charles Wagoner, the travel editor of the late Detroit Times, accurately

described Grand Hotel when I first visited it with him in the early 1950's. It had received little maintenance for years.

Many rooms had two floor levels and only a bare light bulb hanging from a cord for illumination. Rooms were painted a stark, plain white. I stayed in a room that required getting down on my knees to use the wash basin, because the room floor had been raised, but the plumbing had not.

A sign beside the registration desk in the lobby reminded "This Hotel is closed 82 percent of the year."

"That's so people will understand why we have to charge so much," its crusty, elegantly dressed late owner W. Stewart Woodfill, explained, he took pride in showing us his private office, pointing out that his desk was elevated several feet above the single guest chair (nailed to the floor).

"Gives me a psychological advantage in dealing with complaints," Woodfill chuckled. Present owner R. Daniel Musser was a bar cashier to whom Woodfill didn't introduce us.

And while Woodfill saved the Grand from bankruptcy several times in the 1930's depression and kept it afloat through World War II, he was adamantly opposed to spending much money updating it. So when he died, Musser had two choices:

Spend a little on maintenance and keep it open only three months a year. He knew he faced increasing competition from many new resorts plus a changing vacation lifestyle from spending two weeks in a place to driving trips where a family stays only one night in each place.

Or Musser could begin a complete renovation, spending big dollars, borrowing many of them, with the hope that he could extend the season by attracting meetings and conventions in May, September and October.

He chose the later, and in the last 10 years has poured \$12 million into a complete renovation of the Grand.

It is good that he did. For July 10, the Grand becomes 100 years old. As a result of Musser's successful gamble, it has never lived up to its name more, even on the day it opened and attracted the cream of Chicago and St. Louis society.

The Grand now rates Four Diamonds, with only 51 hotels in North America, none of them closed anytime in the year, rated above it at Five Diamonds. It perches proudly on a bluff 100 feet above Mackinac Straits on 500 acres of manicured and sculptured greenery. There Lakes Huron and Michigan meet in a dark blue, often whitecapped waterscape which produces fresh, clean breezes to cool guests from hot cities in summer, and to offer views of ships from all nations passing.

To supervise the renovation, Musser hired Carleton Varney, famed for bringing the Greenbrier Resort in West Virginia into the 20th century, along with giving a special touch to homes of many movie stars. With Varney's help, he and wife Amelia made a bold choice in theme of public rooms.

It is enunciated in black wall-to-wall carpet with large scarlet geraniums woven into it for the main lobby. The design mirrors the 2,500 geraniums in outdoor plantings, edging the front porch and lining the Geranium Bar. The geranium design is repeated in needlepoint chairs, wall hangings and headboards in many guest rooms.

Renovation of the original 255 rooms received assistance from Amellia Musser, whose daughter Mimi's paintings complement the decor. They used warm summery colors lavishly on walls, carpets and even ceilings—lime and other shades of

green, sun yellows, reds, pinks, peach and shades of blue. No more drab white. Almost every room has some special touches. All rooms have showers, many have baths and porches. Four years ago the west wing and half the back side rooms were completely rebuilt, with many enlarged 13 feet into the courtyard to increase square footage.

Varney decorated 17 suites, each completely different, giving them descriptive names (Musser seems to favor Republican Presidents): Lincoln, Jefferson, Eisenhower, Madison, Carleton Varney, Woodfill, Versailles, Lord Astor, Lady Astor, Presidential, Royal, Governor's, Wicker, Summer Place.

One of the most unusual is the very macho "The Lodge of Teddy Roosevelt." Dark wood paneled walls are hung with animal heads and mounted fish. The larger than king size bed is of massive dark mahogany, prompting Boston Globe Travel Editor Bill Davis to say when he arose in that room that he should shout "Bully!"

"I dreamed of the 1950's," Glamour Magazine Associate Travel Editor Anita Cotter said after spending the night in the Eisenhower suite. Carol Barrington, a Houston travel writer, must have slept in the Dolly Madison Room.

"It was so full of floral fabrics, flounces and ruffles, so redolent with cuteness, that I had to resist going to sleep with my thumb in my mouth," Barrington said.

Some suites have canopied beds that one almost needs a ladder to get into, plus sitting rooms with wet bars large enough to accommodate 100 or more for cocktails.

During filming of "Somewhere In Time" in 1979 at the Grand, Universal Studios redecorated two rooms, and one, the Pontiac Room on far end of the main lounge, remains as it appeared in the movie.

Those who visited the Grand as recently as last year will find changes. There are 11 new guest rooms on the fourth floor with unique birdseye views. And the tower in center of the Hotel's roof has become the Cupola Bar, a two story lounge seating 80. Upper story is completely glassed in to afford a panoramic view of the Straits, with light entertainment featured.

This year the Woodfill Conference Center opens in the Grand. The Theater has been gutted, extended, rebuilt with three new meeting rooms and three others redone, increasing the Grand's ability to meet convention needs.

The Grand cannot exactly duplicate its grand opening. Just-introduced railroad sleeping cars and steamships from Chicago brought the cream of midwest society plus captains of industry and politicians, the women in long-gowned, plume-hatted finery, men in top hats with walking sticks.

Mark Twain registered as Samuel Clemens, Chicago's society queen Mrs. Potter Palmer held court on the front porch, Commodore Cornelius Vanderbilt and railroad builder James Hill talked with George Pullman for whom railway sleeping cars are named. Chicagoans Marshall Fields, the Armours, Swifts and Cudahys, the Adolph Busch family from St. Louis were present along with U.S. Senator Chauncey Depew and Francis Stockbridge.

After the inaugural dinner, guests began a tradition which continues today—demitasse and after-dinner drinks in the soaring-ceilinged, chandeliered lounge, listening to a musical recital and then promenading the length of the porch before retiring. Since five-mile long Big Mac Bridge which connects Michigan's two peninsulas over Lake Huron was lighted at night 25 years ago, get-

ting a glimpse of it after dinner is an added attraction.

THE LOSS OF CAPT. JOHN V. NOEL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, it is with deep regret that I bring to the attention of my colleagues in the House of Representatives the loss of a courageous, loyal, and dedicated sailor, Capt. John V. Noel of the U.S. Navy.

Captain Noel had a long and distinguished career in the Navy before he settled in my district with his wife Mary in Santa Fe, NM. Although he had many military accomplishments, some of his most outstanding accomplishments were in the literary field. They include his authorship of books on seamanship and moral leadership that have been essential to the training of midshipmen at the Naval Academy in Annapolis, MD.

Captain Noel will be missed by his colleagues, his wife, Mary, and all of us who depend on the qualities of readiness and leadership he espoused.

FACTS FOR HACKS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MICHEL. Mr. Speaker, I call to the attention of my colleagues an excellent article that appeared in the New Republic of May 20, 1991. Written by Mickey Kaus, it shows how statistics can be manipulated to back up almost any argument.

We all should cast a skeptical eye toward those who use statistics to paint a certain picture of America. The world that these numbers convey may not be the world that we really live in. Those of us in political life cannot avoid using statistics, but we can try to use them to clarify public policy issues, and not to promote a point of view at the expense of oversimplifying—or totally ignoring—the complexities of economic and social reality.

Mr. Speaker, at this point I wish to insert in the RECORD "Facts for Hacks."

FACTS FOR HACKS

(By Mickey Kaus)

In presidential campaigns, the "message" comes first. Then speechwriters insert the facts to back it up, preferably startling facts. This process does not lend itself to scrupulous accuracy. Ronald Reagan set the modern standard here, which is lax.

Even as you read this, Democratic hacks and young idealists eager to serve the party's 1992 candidates are loading up the save-key on their computers with statistics from groups like the Children's Defense Fund and the Center on Budget and Policy Priorities. Some of these facts will be right. But some will be misleading in ways that reveal deep gaps between the Democratic message and the real world. Until a few years ago, for example, Democrats routinely argued that "the average length of stay on welfare is

only two years." Then David Ellwood of Harvard discovered it was 6.6 years. Could this help explain why Democratic rhetoric on welfare failed to resonate with voters?

Once the 1992 campaign is under way, popular Democratic "facts" will become unassailable matters of faith. That means the time for Democrats to get their facts—and, maybe, their message—straight is now, before the campaign begins. Even when the statistics are unrevealing clichés, stacked up like bricks in the middle paragraphs of stump speeches, they might as well be right. What the hell. In that spirit, here is a brief critical guide to the potential Democratic stat-bites of 1992.

1. "Due to lack of funding, the Head Start preschool education program reaches only 20 percent of the eligible children in this country. . . . Obsolete. The old rallying cry of the Children's Defense Fund was indeed that Head Start served only a fifth of poor preschool kids aged 3, 4, and 5. But funding increases have now raised the CDF number to 35 percent. And of the remaining 65 percent, some kids are in state preschool programs, some are in private programs, some are scattered in rural areas that are difficult to serve, and some wouldn't want to use Head Start. Head Start doesn't reach enough poor children, but the shortfall isn't close to 65 percent. CDF now urges more spending to improve programs (e.g., converting half-day programs to all day) rather than simply to cover "eligible" kids. "The focus on numbers isn't the issue," says CDF's Helen Blank. Now they tell us.

2. "... and, despite President Bush's promises, the Women Infants and Children (WIC) nutrition program reaches only about half those eligible." True, but misleading. WIC serves lower-income women who are pregnant or have children under 6. Pregnant women get priority; 70 to 85 percent of them are already receiving WIC. Also, eligibility for WIC extends way above the poverty line, to families of four with incomes of \$24,000. You could easily cover all remaining poor mothers who wanted the program without doubling it.

3. "A startling number of American children [are] in danger of starving. . . . One out of eight American children under the age of 12 is going hungry tonight." Dan Rather said that. It's crap. Rather misreports a "study" by the Food Research and Action Center, a Washington organization that lobbies for government food aid. The study did not measure malnutrition, much less starvation. It purports to identify children whose families were strapped for cash to buy food at any time over the previous year (not each night). Low-income people were asked eight "key questions," some of which might draw affirmative responses from Donald Trump (e.g.: "Do your children ever say they are hungry because there is not enough food in the house?"). Those who said yes to five of the eight questions were pronounced "hungry." Those who gave even one "yes" were deemed "at risk" of hunger. The results of seven small, unrepresentative surveys then were transformed, somehow, into a national number. The surveys were conducted by local advocacy groups with an interest in getting "yes" answers (e.g., the Alabama Coalition Against Hunger). They were financed by Kraft General Foods, a major corporate beneficiary of federal food subsidies. The whole project oozes phoniness.

4. "Average weekly earnings in America today are lower than they were in the last week that Dwight Eisenhower was president." If this stat-bite from Senator Daniel

Patrick Moynihan is true, the country's really gone to hell. But it isn't true. Moynihan uses data from the Bureau of Labor Statistics for "production and non-supervisory workers." The BLS survey is screwy, in part because it has been measuring a smaller and smaller segment of the labor force as the economy shifts to white-collar work. Figures for the entire work force, from more reliable Social Security records, show an average 30 percent gain since Ike's day.

5. "Real, after-tax income fell for most American families in the '80s." Nope. Like Moynihan's, this statistic (used by William Raspberry and Time, among others) is a bit too bad to be true. One problem comes in measuring income by "families." Families are getting smaller. A couple with one child living on \$30,000 in 1990 is a lot better off financially than a family of six trying to make do on the same real income in 1950. When the Congressional Budget Office corrects for these shifts, the bottom 40 percent (not "most") of the population has lost ground since 1977. But significantly (for Democrats, anyway) the bulk of the damage occurred before 1980. In the much-maligned '80s, the top 70 percent of families gained, with or without the CBO adjustments. Sorry.

6. "Since 1980 the share of after-tax household income has fallen for everyone except the richest 20 percent." Correct. Even when most Americans gained, those in the middle didn't gain nearly as much as those at the top. Inequality of income has grown. This stat-bite is probably accurate even if you count government "non-cash" benefits like food stamps. It's also true that "inequality is now at the highest level since World War II." But are Republicans to blame? This brings us to . . .

7. "[S]ome two-thirds of that shift in after-tax income toward the top 1 percent can be attributed to the supply-side tax changes of 1977 and, especially, 1981. . . ." An interesting, but dubious, statistic from Robert S. McIntyre of Citizens for Tax Justice. Most people who've studied the subject conclude that tax cuts played only a small role in the inequality of the '80s. Changes in the underlying economy caused the rich to earn more before taxes. But McIntyre argues that the rich invested their tax cuts, and the earnings on that investment showed up later as a rise in pretax income. His calculation requires some peculiar assumptions, though. For example, he measures his "tax cuts" not from the tax code as it was in 1977 before the cuts, but from a hypothetical code he assumes would have been constantly changed to preserve progressivity. Nor is it clear the rich invested, rather than consumed, their tax windfalls. Even McIntyre concedes that inequality would still have risen without the tax changes. It's safer to stick with Kevin Phillips's fudged formulation: tax shifts "go a long way to explain" rising inequality. Who's going to argue about what a "long way" is?

8. "Some 375,000 drug-exposed babies are born each year, 11 percent of all births." Handle with care. The National Association for Perinatal Addiction Research and Education sent out a questionnaire to hospitals. Some had conducted detailed interviews of new mothers for drug exposure. Some hadn't. NAPARE concluded, according to a spokesperson, that 11 percent of newborns or "as many as" 375,000 babies "may have been affected" by drugs because their mothers took them at one point during pregnancy. "Drugs" includes alcohol as well as illegal substances. There are not 375,000 drug-ad-

dicted babies. There are not 375,000 cocaine-exposed babies or anywhere near 375,000 "crack babies."

9. "... and it's disgrace that 3 million Americans are homeless each night." The 3 million number was promoted by homeless advocates in the mid-'80s. Not even they bother to defend it anymore. What's the right number? Clearly higher than the 250,000 homeless the Census actually counted one day last year. A 1988 study by Martha Burt of the Urban Institute came up with 600,000 as a maximum estimate. Any number between 250,000 and 600,000 is defensible, and still a disgrace.

10. "Fewer than 10 percent of families today fit the old 'Ozzie and Harriet' model of homemaker mother and breadwinner father." Representative Pat Schroeder's favorite factoid is misleading. It's concocted either by counting only families with exactly two kids, or by inflating the number of non-Ozzie "families" by including seniors, roommates, couples without children, and single people living alone. If you look at only households with children, about 25 percent fit the traditional model. About 45 percent of mothers work fulltime. That's still a huge shift from the 1950s.

11. "Between now and the year 2000, most new entrants into the work force will be minorities." A "net" vs "gross" scam is at work here. As Lawrence Mishel and Ruy Teixeira note in a recent paper, white non-Hispanics will still make up the vast majority (66.8 percent) of people entering the work force. But because they will also be the vast majority of people leaving the work force, their contribution of "net"—or "new"—workers will be less than 50 percent. The work force will become a bit less white. But its majority won't be minority anytime soon, if ever.

12. "Approximately 64 percent of all poor children—or nearly two of every three—live in families with one or more workers." This stat-bite from the Center on Budget and Policy Priorities is designed to shock voters who think the poor don't work. But it counts someone as a "worker" even if they work only a day or two a year. Unfortunately, many people don't work much more than that. Less than half of poor families with children field even a quarter-time worker. Fully 40 percent do no work at all. Only 25 percent are families where the total work effort adds up to 35 hours a week.

13. "The popular idea of a so-called black underclass is mistaken. Blacks made up only 45 percent of all welfare recipients in 1969. That percentage actually fell to 40 percent in 1987." Contrarian liberals are starting to produce numbers that dispute the notion of a black underclass. Don't buy them. Yes, blacks are about 40 percent of welfare recipients (as are whites; the Hispanic share has grown to 16 percent). But a majority of families who are on welfare for a long period of time are black—including 63 percent of people who got most of their income from welfare in at least eight of the ten years from 1975-84 (according to Michigan University's Panel Study of Income Dynamics). If you define the underclass as urban neighborhoods with extreme poverty, it is 68 percent black. If you define it as neighborhoods with extreme social problems, it is 58 percent black.

14. "72 percent of black children born from 1967 through 1969 had spent at least a year on welfare by the time they reached age 18." Another bizarre statistic promoted by Moy-nihan that, if accurate, would show the country to be in terrible trouble. There is a difference, though. This statistic startles not

by confounding the crude, popular wisdom but by confirming it. There's another difference: the statistic is accurate.

LETTERS OF SUPPORT FOR H.R. 1444 EXPANDING MEDICARE TO UNDER AGE 65

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, on March 14, I introduced the Medicare Eligibility Expansion Act of 1991, an act which would expand Medicare coverage to include certain people between the ages of 62 and 64. In order to emphasize the necessity of this bill, I would like to bring to your attention several letters that were sent to my office.

In one letter, a widow in Illinois who retired at 62, had been dropped from her employer's medical insurance. Because of previous health problems, she could not get health insurance for less than \$621 per month. This money had to come from her IRA.

In another letter, a man in Wisconsin who was forced to retire at 55 due to multiple sclerosis, described how he had to sell his house in order to keep up with private medical insurance payments. His own words are that he and his wife "... fell right into the crack in the Health Insurance System."

A third letter from a 57-year-old California man details how his company went bankrupt. He has the option to continue his old insurance policy, but he cannot afford the premiums.

All of these people are from different states, but they have one problem in common—they have fallen through the cracks in the health care system. H.R. 1444 will help to fill in those cracks and stop tragedies like this from happening in the future.

TRIBUTE TO ANDY WINDERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ATKINS. Mr. Speaker, there have been many great basketball players to take to the parquet floors of the Boston Garden, from Cousy and Russell to Bird and Parish. Recently, however, a player as inspiring as any Celtic great that graced that famous floor has come to my attention. That player is Andy Winders.

Andy is a senior at Acton-Boxboro Regional High School, and captain of their boys basketball team. As their captain, Andy led the team to the division 2 State championship game. Unfortunately, Acton-Boxboro's remarkable season did not end on a positive note. They lost a 76 to 74 heartbreaker to the opposing team from Sharon.

What was impressive about Acton-Boxboro, and in particular, Andy Winders, was not the way they played the game itself, it was not the 35 points Andy scored, it was not the fact that

25 of them came in the second half and it was not the fact that he made 3-pointer after 3-pointer in the waning minutes of play. It was the fact that he did all of this while suffering from cystic fibrosis.

The disease and the accompanying nagging cough have afflicted Andy since birth, but he has not let this adversity hinder him in any way—on or off the court. He is president of Acton-Boxboro's chapter of the National Honor Society and is highly respected by his peers, teachers, and coaches.

Mr. Speaker, Andy should be an inspiration to us all. It is possible, no matter how great the adversity, to perform magnificently if the will and the drive are there. Andy is blessed with both.

FUTURE OF NAVAL AVIATION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to call my colleagues' attention to a letter which has been sent to the naval institute's magazine, *Proceedings*. Lt. Steven E. Harfst, USNR, of Fighter Squadron 111 at NAS Miramar has written a timely and thought-provoking article on the future of naval aviation.

Lieutenant Harfst's article was accompanied by a letter signed by 58 Navy pilots. These aviators feel strongly enough about naval aviation to get involved in the process, and I commend them for their interest and efforts.

Naval aviation played a critical role in the war in the Persian Gulf, but we could conceivably lose that edge unless we move rapidly and decisively to beef up naval aviation. In this former naval aviator's mind, the need for the F-14D is clear. While other aircraft can and should be used in different roles, the F-14D is central to naval aviation. As a superior all-weather, night, medium attack and long-range air-to-air fighter, it is the right plane for the mission.

Mr. Speaker, the F-14D is an airplane which can fly today. The taxpayers have already paid for much of the R & D costs. If we are truly concerned about preserving the United States' overwhelming superiority in this field, then I hope my colleagues will carefully review this article.

The letter follows:

The recent decision by the Office of the Secretary of Defense (O.S.D.) to cancel the F-14D program in favor of an updated version of the F/A-18 has caused a great deal of concern within the Navy's fighter community.

It has been recognized for some time that a replacement is needed for the aging A-6 Intruder. The Persian Gulf war has shown the importance of the medium attack role for the Battle Group Commander as well as highlighting the need for a precision weapons delivery capability in the Carrier Air Wing.

With the cancellation of the A-12 program and the apparent massive reduction of the F-14D Super Tomcat program, the war fighting capability of the Carrier Air Wing is in jeopardy. By opposing the Pentagon and reinstating fiscal year 1991 funding for the F-

14D, Congress has taken a step in the right direction. Yet serious, practical decisions need to be dedicated to the needs of the Carrier Air Wing as it approaches the 21st century.

The proposal by the O.S.D. for an all F/A-18E/F air wing is not the answer to the problems of power projection in the future. The F/A-18 was originally envisioned as the low end of a high-cost-low-cost mix of aircraft on the carrier, a mix that has proved to be not only cost effective but tactically effective as well. However, the Hornet will never be an adequate replacement for either the A-6 or the F-14, and falls considerably short of the mark as a replacement for both.

Until a long term, cost effective alternative to the A-12 can be found, and until the extent of the Navy's involvement in the ATF program is decided upon, relying on a short range attack aircraft with a limited air-to-air capability cannot be the answer. The best hope of the Carrier Air Wing of the future exists today in the form of the F-14D Super Tomcat performing the all-weather, night, medium attack and long range air-to-air fighter mission.

By exploiting the full air-to-ground potential of the Super Tomcat, the Navy would have a long range, all-weather strike-fighter with capabilities comparable to those of the F-15E Strike Eagle, HARM, Harpoon and the ability to carry a multitude of existing and new generation air-to-ground weapons is already a reality in the F-14D. With the current strength and the future growth potential of the F-14D we have the best solution to the problems of power projection into the 21st century without giving up any of its proven air-to-air capabilities.

Apparently there are forces at work in Washington D.C. which are against any future for the F-14. The problem should not be the choice of one aircraft over another, but the proper mix of aircraft that allows superiority to be maintained in every tactical arena. The Hornet, or any other single aircraft, will never meet all the requirements of the Carrier Air Wing. The F-14D Super Tomcat is more capable than the proposed F/A-18E/F, is here now, and should be utilized to its full potential.

The F/A-18E/F will never match the air-to-air capabilities of the Super Tomcat. Even with the addition of the developing AMRAAM technology, the limitations of the Hornet's weapons system cannot match the performance that the Tomcat possesses today with its Phoenix missiles and powerful, large aperture radar. While the Tomcat will carry AMRAAM when it becomes available, the Hornet will never carry the Phoenix missile and is still waiting for a multi-shot capability.

The key to success in aerial combat is the ability to locate and prosecute the enemy in a heavy electronic counter-measures (ECM)/stealth environment while gaining the first shot, first kill advantage. The Super Tomcat's powerful APG-71 radar coupled with its advanced weapons control system gives it this capability.

It is true that the F-14 has a large radar cross-section, but this is not a major tactical disadvantage. The radar cross-section of the F-14d is roughly equivalent to the F-15E which has had proven combat success in the Persian Gulf. While it would be difficult to make the Tomcat smaller, it can benefit from current stealth technology to reduce its radar cross-section.

A fighter aircraft in the interceptor role must have the ability to detect aircraft employing stealth technology. This ability is

crucial and is directly related to a given radar's power-aperture product. The Hornet's low power-aperture product, a limitation caused by its small radome, results in short detection ranges and a weak capability against stealth targets.

In contrast, the F-14D possesses a robust counter-stealth capability due to its large aperture, high power radar. The Tomcat's radar far exceeds that of the Hornet in both passive and active detection ranges. The Tomcat will always have the first-shot advantage over the Hornet. The long range, multi-shot, first shot capability is one that the Carrier Battle Group Commander cannot do without.

Long wave infrared search and track is a proven counter-stealth capability and theIRST system currently on the F-14D is a quantum leap over any other passive detection system in the world. The ability to passively detect, track and destroy enemy aircraft will be a crucial advantage in future aerial combat. Aircraft employing low observable/stealth technology cannot hide from the proven combination of theIRST and the APG-71 radar. Only the F-14D Super Tomcat can accomplish this today!

The combination of the new F-14D powerplant and the advantages of variable geometry wingsweep, gives the Super Tomcat the advantage in maneuverability. The variable engine inlets in the F-14 give it the speed necessary for survival in combat. The size of the F-14 engine nacelle's will allow it to carry new generation engines, such as those designed for the ATF, giving it a "super cruise" capability.

Fighter and attack pilots have a saying that "Speed is life". The inability of an aircraft to detach from an engagement or to egress from a target area because of a speed disadvantage will be fatal. The fixed engine inlets of the Hornet are a liability by limiting its ability to achieve those speeds necessary for survival. The variable engine inlets of the F-14 allows the flexibility to achieve higher airspeeds and increase survivability.

Given similar loadouts, the Tomcat enjoys an approximate 200 knot advantage in either a high speed ingress or egress to or from a target area. This is a recognized liability for the Hornet and is directly related to aircrew survivability. Clearly the Hornet 2000 would be seriously underpowered in many situations.

The Hornet has an acknowledged range problem. External fuel tanks can help to alleviate this problem, but they severely degrade many of the Hornet's tactical advantages. The F/A-18 cruise configuration (two wing tanks plus a centerline tank) results in a radically different aircraft in terms of maneuvering capabilities compared to a "clean" Hornet. In this configuration, the Hornet's combat range is still extremely limited, the amount of ordnance, it can carry is drastically reduced, its air-to-air capabilities are extremely limited and it still requires extensive tanker support. Long combat range and the ability to take bombs across the beach is crucial to the Battle Group Commander.

The necessity to plan around the short range limitation of the Hornet is a hindrance to the rest of the battle group by monopolizing airwing tanking assets and often requiring the coordination of non-organic tanking assets as well. The F-14D represents over twice the combat range capability and possesses significant advantages in on-station time compared to the Hornet, and when external tanks are carried by the Tomcat, they do not degrade its ordnance loadout.

The F-14 is the only air wing asset capable of carrying four two-thousand pound bombs, along with its air-to-air armament, while maintaining its ability to recover back aboard the carrier without expending its ordnance. The Hornet cannot even taxi with that kind of ordnance load. Once airborne, the Tomcat can carry its heavier payload twice as far, stay longer and retire faster than the Hornet.

The size of the F-14 also equates to growth potential. Options exist to increase internal fuel carriage by 20%. The relatively small size of the Hornet has lead some to believe that an Air Wing Commander can put more of them on the deck of his carrier. This is not necessarily true. Because of its landing gear design, much of the Tomcat can be placed over the water when it is parked along the deck edge of the carrier.

As evident during recent testimony on Capitol Hill, the Hornet requires major modifications including fuselage plugs and larger wings to perform the mission it will be tasked with. In reality, this will result in a completely new, unproven, untested aircraft requiring extensive flight testing before it will become operational.

The fleet needs an aircraft with advanced technology and capabilities today; not in the undetermined future. A simpler and far more cost effective alternative would be minor changes in the existing, proven and tested F-14D. Software developments adding the air-to-ground capability to the F-14D are already paid for and are due for introduction in 1993. Why throw away a proven, carrier capable platform which can meet the fighter and medium attack requirements well into the 21st century?

It is not only unreasonable National Strategy to discontinue the F-14, a move which would severely impact our industrial base, but unsound policy to forego the present use and future development of the F-14D and await the development of a new aircraft. Will the ATF contract winner really be able to carrierize the F-22/23? How long will we have to wait? And while we wait, how many antiquated aircraft will we be forced into combat with in the interim?

Surely the cost of research and development for the F/A-18E/F will far exceed that needed for upgrades to the F-14D that are already available. Why should we be forced to await the arrival of the proposed F/A-18E/F when we could be training and fighting with the very technology (the F-14D) that the new Hornet is projected to provide?

It is my sincere belief that the best, most sensible course of action is to continue to produce and develop advanced versions of the F-14, while continuing to exploit the relative advantages a mix of different aircraft affords. An intelligent mix of F-14 variants covering the medium all-weather/night attack role and the all-weather fighter role alongside a complement of less expensive F/A-18 aircraft to cover the traditional day-attack and point defense fighter roles is the most effective use of taxpayer dollars. It is irrational to wait for the introduction of an aircraft which could be 50% more expensive and possess less capabilities than the F-14D. The Super Tomcat is here today, not a proposal on a design sheet. It is my hope that every consideration will be given to continuing the F-14D program.

ONE HUNDRED YEARS AND
GROWING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LAGOMARSINO. Mr. Speaker, in June of 1891, a group of citizens in the Santa Maria Valley of California circulated a petition to unite 22 local school districts into a new Santa Maria Union High School District.

The petition was circulated under the provisions of the Union High School Act, enacted by the California Legislature the preceding March. Thus, following the successful consolidation election August 1 of that year, Santa Maria Union High School District became the first union high school district in the State, on August 22, 1891.

In the century since that landmark day, untold thousands of students have been sent forth, enriching the valley and the world with their knowledge.

On May 17 to 19, the community has planned a centennial celebration in Santa Maria. Thousands of returning graduates, teachers, and administrators will be on hand to commemorate the creation of one of the pivotal institutions of the greater Santa Maria community.

So it is with great pride and honor, Mr. Speaker, that I extend to the students, teachers, graduates, staff, administrators, trustees—and taxpayers—of the Santa Maria Joint Union High School District, on behalf of the U.S. House of Representatives, our most sincere congratulations and best wishes on this milestone in the history of the Santa Maria Valley and the State of California. Wait until you see what they have got planned for the second century.

NATIONAL SMALL BUSINESS
SUBCONTRACTOR OF THE YEAR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, I am proud to announce that Merrick & Co., an engineering firm located in Los Alamos, NM, was presented the "National Small Business Subcontractor of the Year Award" by the President today.

Merrick was presented the subcontractor award for its full service engineering capability specializing in process and equipment design and mechanical engineering services for the Special Nuclear Materials Research and Development Laboratory at the Los Alamos National Laboratory. Merrick is also listed among the top 500 design firms in the country by Engineering News Record. I want to personally commend Merrick & Co. for receiving such a prestigious award and for providing New Mexico and the Nation with critical engineering services.

EXTENSIONS OF REMARKS

SUMMARY OF NOMINATION FOR NATIONAL
SMALL BUSINESS SUBCONTRACTOR OF THE
YEAR

Nominated By: Phillip Warnock, Contract Administrator, Special Nuclear Materials Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico.

CONTRACT

\$12,142,650 for full service engineering capability specializing in process and equipment design and mechanical engineering services for the Special Nuclear Materials Research and Development Laboratory at the Los Alamos National Laboratory.

MANAGEMENT AND STAFFING

Merrick's first contract from LANL was awarded in 1985. The company established a 30-person, multi-discipline office at Los Alamos to provide services under the contract for facilities engineering. Based on excellent ratings, this contract was extended in 1988. Also in 1988, Merrick was awarded the contract for the work on the Special Nuclear Materials Research and Development Laboratory by LANL, which is the contract on which the nomination is based. Merrick organized a separate, dedicated on-site project office of 50 professionals on to provide services on the second contract.

Merrick relocated engineers from its Denver headquarters, including a corporate vice president as general manager, and recruited local professionals to make up the office staff. The company has actively recruited graduate engineers at the University of New Mexico through on-campus interviews the past two years and also has a summer intern program. More than 25 percent of the Merrick's employees are minorities, as a result of an active Affirmative Action Plan.

FINANCIAL CONTROLS

Merrick integrated its accounting and invoicing system with its subcontractors to provide a comprehensive and well documented invoice and audit trail that exceeded LANL requirements. The company also implemented a microcomputer based project controls system for scheduling, budgeting, collecting and reporting costs and progress for each task on the project. All reporting requirements have been met in an accurate, timely and reliable manner.

EMPLOYEE PERFORMANCE

Merrick is a 100 percent employee owned business. Employee relations with management are good because the employees are the stockholders. In addition, they are highly motivated to perform each project successfully since they benefit directly from the success of the company.

In addition to responding to the contract by establishing and staffing a local office for the contract, Merrick took an active role in the community. Merrick employees participate in numerous local group activities including the Special Olympics, a softball league, food drives and various local charity sponsorships. The company is taking an active role in the Los Alamos Chamber of Commerce, Rio Grande Minority Purchasing Council, local job fairs and trade shows, various local community programs, and professional societies.

TECHNICAL PERFORMANCE

Merrick has repeatedly demonstrated the ability to solve complex problems, develop innovative designs, and manage large quantities of data. The firm has taken on high visibility, high pressure jobs on short notice and produced exceptional quality. Merrick has developed many standard designs, made optimal use of CADD menus to recall stand-

ard designs, developed an extensive computer database with more than 15,000 records, established procurement plans and qualifications for vendors, and instituted many other design efficiency improvements. In developing the system, the company solicited local small businesses for programming support services and used a local disadvantaged woman-owned business to assist in programming and source code documentation.

COST PERFORMANCE

Merrick established labor rates reflective of the local market and controls to match the required skill levels with the tasks to avoid higher paid personnel when a lesser skill is adequate. The company establishes teams of seven to ten people with a balanced mix of senior and junior personnel to provide close-knit relationships among staff for maximum cost-effective performance on each task. This also results in rapid project execution.

A great deal of effort is made by Merrick to ensure the lowest design cost, the lowest construction cost and the shortest schedule path to program completion. With the local office, the staff also can make use of government furnished equipment as much as possible avoiding such costs as computer rental. Merrick's cost/performance ratio is very good, contributing to the overall success experienced on the project.

DELIVERY PERFORMANCE

Merrick's ability to deliver a requested product on time and within budget has been repeatedly demonstrated during the project. Complex assignments with short deadlines also have been produced on time and at a cost less than estimated.

QUALITY PERFORMANCE

The firm has successfully passed all internal and external audits and has set the pace for several similar programs, policies and procedures since developed in other areas of the project. Merrick has readily interacted with its contractor to ensure that the end product meets expectations.

DEFEAT THE BRADY BILL

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ROHRBACHER. Mr. Speaker, some of the supporters of the so-called Brady bill actually believe that its passage will take guns from the hands of criminals. Other advocates however, are not so naive. They view the Brady bill as a first step toward the outright banning of handguns. Pete Shields, the chairman of Handgun Control, Inc., the main supporter of the Brady bill has said:

We're going to have to take one step at a time, and the first step is necessarily—given the political realities—going to be very modest * * * Our ultimate goal—total control of handguns in the United States—is going to take time * * * The first problem is to slow down the increasing number of handguns being produced and sold in this country. The second problem is to get all handguns registered. And the final problem is to make the possession of all handguns and all handgun ammunition—except for military, police, licensed security guards, licensed sporting clubs, and licensed gun collectors—to be totally illegal.

Even Mrs. Brady, who has now become the antigun movement's foremost spokesman, aided the effort to ban the Saturday night specials back in the early 1970's.

But whether the liberals want to admit it or not, our Founding Fathers provided a fundamental constitutional right to own a firearm. Our constitutional framers pointed to other nations which failed to "trust the people with arms" Federalist No. 46. They were proud of our Constitution's difference in approving an already armed populace.

When James Madison proposed the Bill of Rights he included what has become the second amendment to the Constitution of the United States. Both the wording of his text and his speech proposing the language on gun ownership clearly indicate that this right was intended as an individual right and not a collective right. This concept, central to the understanding of limited government, was thoughtfully summarized by Representative Fisher Ames of Massachusetts who at the time wrote, "The rights of conscience, of bearing arms, of changing the government, are declared to be inherent in the people." Thomas Jefferson's model constitution for Virginia declared, "No freeman shall be debarred the use of arms in his own lands or tenements." Jefferson's colleague John Adams spoke for "arms in the hands of citizens, to be used at individual discretion * * * in private self-defense."

We begin to see the wisdom of our Founding Fathers in the need of law-abiding citizens to defend themselves in our ever increasingly violent society. With crime on the rampage, it is critical that citizens whose lives and property are threatened have the means to defend themselves and their families. How can we ask our citizens to remain defenseless at the same time so many cities and towns are forced to cut their law enforcement budgets? Last year alone, 645,000 Americans used a gun to prevent a crime.

America's crime problems are getting worse. Yet some continue to pursue the same discredited policies which have failed in the past. New York City, a prime example, had more murders than any other city in America: 2,190, an average of 6 a day. Los Angeles witnessed 983 murders and Chicago saw 850. Washington, DC, had an ever higher murder rate per capita.

What do these cities have in common besides their tragic and sobering murder rates? They all share the distinction of having the most restrictive gun control laws in the Nation. California already has a waiting period longer than what the Brady bill mandates. Has that stopped crime?

While more should be done to bolster our police, the liberals always end up putting handcuffs on the cops instead of the robbers. The Brady bill, a program which was called useless by the Justice Department, will cost police departments tens of millions of dollars.

Supporters of the Brady bill claim it merely requires gun dealers to notify local law enforcement of an intended handgun purchase, then wait 7 days before delivering a gun. Under H.R. 7, local police can, but are not required, to perform a background check. So what happens if a police department does not investigate the background of the gun buyer

and that person turns around and hurts somebody? The answer is simple: Under H.R. 7, the police department will be sued and held liable. Handgun Control has already pledged to "sue a municipality for its negligence in not carefully screening handgun applicants." They added that they will show local governments they "mean business." You can rest assured that it will be the taxpayers that end up paying in the end.

And what about the law-abiding citizens who need firearms for immediate protection, but will be forced to wait 7 days? Will they end up like the woman in Wisconsin, one Bonnie Elmasri, who needed a gun because her estranged husband had threatened her and her children? She asked about the law governing the purchase of a handgun and was told she had to wait 48 hours. The next day her estranged husband burst into the house and murdered her and their two children.

Some will claim that the Brady bill is not real gun control. They suggest that the bill if passed would only delay our second amendment rights for 7 days. I would like to know how many Members would suggest that our first amendment rights should be delayed; but more importantly, this hurdle, nuisance, or whatever we call it, is aimed at honest citizens. Drug dealers and murderers do not purchase their handguns from stores. That is why the Brady bill is effectively useless in preventing gun violence.

Mr. Speaker, we can all sympathize with the tragedy that the Brady family has endured. I worked in the White House when President Reagan and his Press Secretary were shot. But let us not kid ourselves, even if the Brady bill had been on the books, it would not have prevented John Hinckley from obtaining his handgun.

To conclude, Mr. Speaker, I would just like to read from America's most critical document, the Constitution: "A well regulated militia, being necessary for the security of a free State, the right of the people to keep and bear arms shall not be infringed." The private right of individuals to own and use arms was thereby guaranteed. "Militia" did not refer to men in uniform but every person capable of carrying a weapon. Alexander Hamilton himself spoke of the "whole nation" or the "population at large" as the militia—Federalist No. 28. Mr. Speaker, it is my humble opinion that the second amendment is first and foremost a reaffirmation of the ultimate sovereignty of the people.

Mr. Speaker, let us uphold the second amendment as we do the first. Let us defeat the Brady bill and work for real crime control.

NATIONAL LOCK-IN SAFETY MONTH

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ROSE. Mr. Speaker, last week I introduced a joint resolution designating the month of October 1991 as "National Lock-In Safety Month."

Burglary and unlawful entry are two of the most prevalent types of criminal activities that have a serious impact on our communities. The value of property stolen each year was estimated in 1989 by the FBI at \$3.4 billion, affecting over 3.1 million homes. The average loss by a homeowner or small business averages \$1,060. Case studies show that criminals are reluctant to enter the premises protected by locks and alarm systems, but unfortunately too many homeowners and small businesses still do not know that even the simplest of measures can be taken to prevent these burglaries from occurring. Therefore, by installing locks and other security devices, homeowners, as well as small businesses, can cut back on this large loss and affect crime statistics as well as the cost associated with this type of criminal activity.

It is for this reason that the Associated Locksmiths of America [ALOA] have undertaken an industry promotional campaign to designate October as "Lock-In Safety Month." This campaign will target all citizens around the country to use locks for safety in their homes. Organized community action in cooperation with local law enforcement officials, and the business community can effectuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

ALOA, which was founded in 1956, represents locksmiths in all 50 States and 35 countries around the globe. It is a diverse group representing every facet of the security industry from traditional locksmithing to institutional and corporate security. Seventy-six percent of ALOA members own their own businesses and can help in the promotion of "National Lock-In Safety Month" by informing the public about their security options, including automotive, master keying, safes/vaults, a electronic access control, and high security for all types of structures.

Mr. Speaker, it is my hope that "Lock-In Safety Month" will be an adjunct to "Crime Prevention Month" which will further highlight the current crime prevention efforts in our communities and help promote a productive relationship between our safety experts, law enforcement agencies and local residents and businesses.

Mr. Speaker, I insert the text of the joint resolution in the RECORD:

H.J. Res. —

Whereas professional locksmiths meet the security needs of all segments of society and take pride in their contributions to a safe environment;

Whereas throughout history locksmithing has been a profession that requires continuing education to keep pace with an evolving technology;

Whereas the demands of physical security in residential, commercial, industrial, and institutional settings require dedicated professionals who work by a code of high ethical standards to provide the best security available;

Whereas professional locksmiths continue to provide a wide range of security products and services, including automotive products, master-keying products and services, safes and vaults, electronic access control products, and high-security products and services for all types of structures;

Whereas professional locksmiths in the United States are represented by the Associated Locksmiths of America, Inc. (ALOA); and

Whereas "National Lock-In-Safety Month" will celebrate the longstanding locksmith profession and salute those locksmith professionals who accept the challenges of providing individuals and organizations with the security necessary to protect their property and give them peace of mind as they go about their daily activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991, is designated as "National Lock-In-Safety Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

CHAMPIONING THE POOR AND UNPOPULAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. EDWARDS of California. Mr. Speaker, Ramsey Clark was the Attorney General of the United States from 1967 to 1969. He was appointed by President Lyndon B. Johnson, whose vision of an American Great Society gave direction to the great flowering of Federal initiatives that surely was the proudest era of our history.

Ramsey Clark was LBJ's partner in many of these visionary steps. The 1964 Omnibus Civil Rights Bill and the 1965 Voting Rights Bill sent signals worldwide that America was on the march towards decency and fairness to all. Ramsey Clark worked with us in fashioning the legislative milestones. He provided encouragement when racism and bigotry said "never".

In the years since Ramsey Clark left the U.S. Justice Department he has continued to make important contributions to the efforts of men and women of good will who seek a just American and world society.

T.T. Nhu writes about Ramsey's important work in a recent column in the San Jose Mercury News, which is printed below.

[From the San Jose Mercury News, Apr. 26, 1991]

CHAMPIONING THE POOR AND UNPOPULAR (By T.T. Nhu)

Lyndon Johnson once said that appointing Ramsey Clark attorney general in 1965 was one of the worst mistakes he ever made. "Who would have guessed that Tom Clark could have raised such a boy," LBJ later wondered. His chagrin was because Ramsey Clark upheld his oath as the nation's top law enforcement officer all too vigorously, defending the constitutional rights of antiwar and civil rights protesters, supporting the Miranda rule and opposing the death penalty.

Despite his good-old-boy background, Clark became the fervent champion of the poor, disenfranchised and unpopular. He is fond of quoting Albert Camus: "I should like to be able to love my country and still love justice."

Now in private practice, he has devoted his life to defending the rights of the powerless.

In 1977 my husband and I traveled to the Philippines with Clark on one of these missions. Bay Area Filipino anti-Marcos activists had asked Clark and other American lawyers to go to Manila. They wanted to embarrass the Marcos dictatorship, which was sponsoring an international "human rights" conference, with incontrovertible evidence of torturing the opposition.

Clark held a news conference and invited reporters to accompany him to a military torture house. The next morning, only two reporters from Japan were brave enough to show up. Clark, accompanied by my husband, burst through a secret door in a walled military compound one of Marcos' victims had mapped out for him, and confronted the torturers.

"You've got to let (them) know you're watching," he said afterward. Lanky, down-home, with a honeyed Texas drawl, Clark has a way of disarming his critics with his unshakable decency.

After the invasion of Panama, which Clark termed "a drug bust with stealth bombers," he went to investigate the deaths of several thousand civilians there.

On Feb. 2, a couple weeks after allied bombardment began in Iraq, Ramsey Clark went on a mission to Iraq to determine the extent of casualties and damage to civilians.

"The assault on life in Iraq has to be made known to the world. It's absolutely essential," said Clark to a Bay Area audience on Monday.

He traveled 2,000 miles by car throughout Iraq, with documentary film makers Jon Alpert and Maryanne DeLeo, whose horrifying 28-minute film "Nowhere to Hide" glimpses at the civilian devastation inflicted by allied bombing.

Although Emmy-winning Alpert had a 12-year relationship with NBC, network news President Michael Gartner refused to air any of his footage. Gartner reportedly said that he didn't want NBC to be associated with Ramsey Clark.

Alpert took the film to Tom Bettag, the executive producer of CBS News. Bettag was fired the night before it was scheduled to be aired, and the segment was canceled.

(Those interested in the film may contact the Emergency Committee, 2489 Mission St. No. 28, San Francisco, 94110; telephone (415) 821-6545.)

Iraqi officials did not escort Clark's entourage, he said. The crew was free to film what they wanted.

"Going into the country most closely approximated a Road Warrior movie, with a lot of vehicular carnage on the side of the road; trucks were still on fire when we passed," said Alpert.

The American public, which Clark characterizes as "seduced to celebrate slaughter" by the bloodless images of aerial victory, rarely saw the horror wreaked by allied bombing. Had some photos or footage of the suffering been shown, perhaps America might not have been so euphoric.

"Looking at Iraq is painful," said Clark, "but the calamity must be made known. As we sat in the distance, raining death with the latest technology, we systematically destroyed Iraq day by day."

While President Bush has declared the "Vietnam syndrome" vanquished, Clark sees it as something not to be kicked, but to be remembered as "the conscience of America."

Clark has formed an international tribunal to investigate what he says are U.S. war crimes in the gulf. He is traveling around the

country and the world to hold hearings and gather evidence which he hopes will be presented at the World Court in the Hague late this year.

It's an audacious and perhaps Sisyphean task for one man to accuse his government of war crimes, especially now that public attention is focused on the crimes of Saddam Hussein against Kuwaitis, Shiites and Kurds. But thank heaven Ramsey Clark continues to remind America of its conscience.

JAPANESE UNFAIR TRADE PRACTICES IN THE CONSTRUCTION INDUSTRY: WHY H.R. 2129 SHOULD BE PASSED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, the Japanese have access to our construction markets—both public and private.

Despite agreements to open up the public construction market in Japan, the United States has had almost no success due to the cartel-type—in Japanese, dango—nature of their industry.

Therefore, U.S. negotiators are threatening to deny access to public works construction projects in the United States.

But that is not where the action is. It is the private sector market where the big bucks are. Since the Japanese dango system keeps us out of their private market, we should apply similar treatment to them. I have introduced H.R. 2129 to deny tax breaks on private buildings built by Japanese contractors.

Mr. Speaker, this is not protectionism—it is national treatment. We will afford Japan the same construction rights in the United States that they provide us in Japan. If they want to open up their public and private markets to competition from American contractors, we can repeal the legislation. No big deal: just equal treatment.

Following are portions of a New York Times article of April 27, 1991 which describes why we should be looking at access to the private construction market, not the public one:

WASHINGTON PRESSES JAPAN TO OPEN CONSTRUCTION JOBS

(By Keith Bradsher)

WASHINGTON.—After several years of diplomatic fencing, Japan and the United States traded harsher jabs today over American access to the Japanese construction market.

The United States trade representative, Carla A. Hills, began a legal process that could result in Japanese companies being barred from many Federal and federally funded construction projects in the United States, beginning on June 1.

A Japanese negotiator who insisted on anonymity said that if the sanctions go into effect, Japan will retaliate by suspending its current program of giving preferential treatment to foreign companies on 17 big public works projects. But he said considerable progress had been made recently in negotiations and insisted that the American sanctions would probably never go into effect.

Today's move was partly symbolic, because Japanese companies do little work on Federal and federally funded projects in the

United States. In 1989, Japanese companies won contracts worth \$2.8 billion in an American market worth \$435 billion, said Elizabeth Dugan, a spokeswoman for the Commerce Department.

But Federal projects accounted for only \$14 billion of the market, and Japanese companies won only \$100 million worth of contracts for these projects, she said.

By comparison, the Japanese construction market is variously estimated at \$300 billion to \$550 billion, with American companies claiming only \$300 million a year.

The proposed regulation would bar Japanese companies from public works projects that receive money from the Energy, Transportation and Defense Departments and from the Bureau of Reclamation in the Interior Department. Appropriations for these projects amount to at least \$21 billion this fiscal year, Mrs. Hills said.

PROBLEMS IN EUROPE

The procurement practices of the European Community and three of its members—Germany, France and Italy—are also causing concern and are now the subject of negotiations, Mrs. Hills said.

John R. Tucker, president of AEG Westinghouse Transportation Systems Inc., a Pittsburgh-based maker of mass transit equipment, said Japan had raised a series of obstacles to American construction companies. Japanese criticisms of American safety and tidiness practices, he said, are only the latest in a series of smokescreens thrown up to obscure a refusal to do business with American companies.

POISONING THE BORDER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. HUNTER. Mr. Speaker, in light of the proposed free-trade agreement, I urge my colleagues to read the following summarization of "Poisoning the Border" from the May 6 U.S. News & World Report. It is important that Congress keep the horrible working and environmental conditions at Mexico's maquiladora plants in mind while considering the FTA.

POISONING THE BORDER

(By Michael Satchell)

Close to 2,000 plants employing about half a million people are now strung along the 2,000 miles of border from Matamoros in the East to Tijuana in the West. Here, the industrial dynamism of the First World and the poverty of the Third dovetail in what is widely viewed as a mutually beneficial arrangement. U.S. companies enjoy cheap labor and generous tax breaks from both nations; Mexican workers get steady jobs and the chance to improve their lives. The program last year pumped \$3.5 billion in foreign exchange into the Mexican economy—second only to the \$9 billion from oil exports. Says Alfred Rich, president of the Western Maquila Trade Association: "This is a program in which everyone benefits."

But that portrait is incomplete. The border region is playing a growing environmental price for allowing the Mexican-based firms to operate beyond the restraints of the U.S. Environmental Protection Agency and the Occupational Safety and Health Administration. Some companies admit they have moved south to avoid expensive U.S. envi-

ronmental requirements. The result: They are creating more pollution there than they would in the United States. And while Mexico enacted tough new cleanup laws in 1988, scant resources have been made available to enforce them.

As the Bush administration presses forward with plans for a free-trade pact with Mexico, critics in Congress and organized labor cite present environmental and social conditions as a reason to block the treaty. They point to a report last June by the American Medical Association, which described the region as a "a virtual cesspool and breeding ground for infectious disease." The AMA concluded: "Uncontrolled air and water pollution is rapidly deteriorating and seriously affecting the health and future economic vitality on both sides of the border." Treaty opponents argue that conditions will worsen if the border is fully opened. And these growing concerns about pollution have prompted several federal agencies to consider whether U.S. Trade Representative Carla Hills should order an environmental impact statement, which could delay the pact for years.

Advocates of a free-trade agreement argue that economic development, while inevitably creating some pollution, frequently spurs prospering nations to significantly improve their environmental enforcement and to enact more stringent workplace rules. In addition, President Carlos Salinas de Gortari is more determined than any predecessor to clean up pollution, suggesting a brighter future for workers and the environment. But a U.S. News survey of current conditions reveals.

Indiscriminate dumping or long-term storage of industrial garbage and hazardous wastes is trashing the landscape and poisoning the water and soil.

A slumgullion of chemical-laced industrial waste water and raw sewage pumped into canals and rivers is causing widespread gastrointestinal illness, hepatitis and other long-term health problems—including a suspected increase in mortality from certain cancers.

Massive discharges of toxic fumes have occurred in chemical plants and other factories. In the Matamoros-Reynosa region alone, seven major accidents since 1986 have sent more than 350 people to hospitals and forced thousands to flee their homes.

Maquiladora employees—most of them women, who sometimes start work as young as 13 years old—are exposed to toxic substances and other workplace health hazards without being given safety instructions or basic protection like masks and gloves. There is also evidence of severe birth defects suffered by infants born to workers.

The maquiladoras—or maquilas, as they are commonly known—have sustained explosive growth of 15 to 20 percent over the past five years. As a result, tens of thousands of workers are now packed into shantytown colonias, living in hovels built from cinder blocks, tin sheets, scrap lumber, plastic and cardboard without electricity, sewers or potable water.

Some of these conditions might be endurable if the prospect of upward economic mobility weren't so distant for most of the workers. Wages start at 82,000 pesos—\$27—for a 49-hour week. The average weekly salary is about \$47 in a border economy where food and other necessities often are as expensive as in the United States. The case of Yolanda Carrillo, who lives and works in the FINSA park, is typical. The 16-year-old began working at the Magne Tek lighting plant at the age of 14 and earns the peso equivalent of about \$46 a week wiring electrical coils.

Home is a wooden shack with a dirt floor, cardboard covering the window holes and wind whistling through cracks in the walls. A colonia canal flows nearby, its milky water badly polluted by industrial wastes. "Even the goats won't drink it," says the young woman.

In the absence of tort laws or strictly enforced EPA- and OSHA-style regulations, U.S. companies in Mexico are under little more than a moral obligation to protect either their workers or the environment. Some corporations—Union Carbide for example—are lauded by activists for treating workers and the environment well. Others can't claim the same honors. And maquila owners say attempts to operate their plants up to EPA standards are sometimes stymied by the slovenly practices of workers. "There's a lot of ignorance on the shop floor and old habits die hard," says David Flowers, head of Pulse Engineering in Tijuana.

SEDUE is the acronym for the Mexican federal agency charged with enforcing the nation's environmental laws. René Altamirano, its director of pollution prevention, vows: "The border will never become a pollution haven for the United States." But despite the best of intentions, Altamirano concedes, his agency is under severe handicaps. SEDUE has multiple responsibilities nationwide, including housing and parks, but its entire annual budget is just \$10 million. While the United States will spend \$24.40 per capita this year on environmental protection, Mexico can afford to spend only 48 cents—a major increase from the 8 cents it spent in 1989. Altamirano's financially strapped agency, for example, has only two inspectors in each of the six border states, to investigate and ferret out environmental scofflaws.

This inadequate supervision invites problems. Under a binational agreement, maquilas are required to ship their hazardous wastes back to the United States for disposal and to notify the EPA. But transportation and EPA-approved disposal of a single 55-gallon drum of hazardous waste can cost anything from \$150 to \$1,000. As a result, most maquila wastes are stockpiled, buried, dumped, flushed, burned or "donated" to charities for "recycling"—an environmental charade permissible under a loophole in Mexican law. In 1989, reports the EPA's Kathleen Shimmin, the agency received just 12 notifications of hazardous-waste shipments being returned to the United States across the California and Arizona borders. Last year, the total rose to 85. "That's a small drop in the bucket," Shimmin says. "Besides jawboning, we have no legal means to force these companies to comply."

Beyond the discharges, other practices by some U.S. firms also degrade the environment. Adjacent to the Reynosa industrial park that is home to several major corporations is a massive open dump that contains acre after acre of industrial detritus—plastic, metal, rubber, resins, paint sludge. Foul-smelling slime leaks from drums marked "Zenith Plant No. 12." Zenith Electronics Corp. spokesman John Taylor acknowledges that the company, which employs as many as 10,000 workers at its Reynosa facility, dumps its bathroom, kitchen, office and nonhazardous industrial trash here but says toxic wastes are returned to the United States. "This [site] is a SEDUE-licensed disposal facility and anything we do is in accordance with the law," Taylor says. "We are a good corporate citizen in Mexico." Both SEDUE and Reynosa municipal officials, however, say they have not authorized the area to be used as a dump.

The public-health threat from the kinds of solid wastes found at the Reynosa dump is generally confined to the local area. But polluted industrial effluent and untreated sewage from the exploding populations of the cities and colonias are migrating into the United States and creating serious waterborne health problems north of the border. In Tijuana, toxic effluent from the industrial park at Otay Mesa mixes with 12 million gallons of raw sewage discharged daily into the Tijuana River. The river then flows north before emptying into the Pacific Ocean at Imperial Beach, Calif., south of San Diego. Some 2.4 miles of shoreline are quarantined, and local officials estimate the closed beach and the area's befouled reputation cost more than \$100 million a year in lost tourism and recreation opportunities.

California officials described the New River, some 120 miles east of San Diego, as the filthiest waterway in the state—if not the entire United States. It flows north out of Mexicali, a booming maquila city, and into the Salton Sea, a large lake southeast of Palm Springs. Tests show the New River contains some 100 different industrial chemicals and 15 viruses capable of causing outbreaks of polio, dysentery, cholera, typhoid, meningitis and hepatitis.

Continuing east, the pattern is repeated. Up to 30 million gallons of untreated sewage flow out of Nogales each day and into Arizona's Santa Cruz River. An underground plume of carcinogenic solvents—including trichloroethylene—along with chromium, lead, manganese, cadmium, arsenic and mercury has badly polluted an aquifer that provides drinking water for thousands of colonia residents. The plume has migrated 10 miles beneath the border, forcing the closing of at least 12 wells on the U.S. side. In Texas, more than 100 million gallons of raw sewage laced with solvents, heavy metals and pesticides empty each day into the Rio Grande from Ciudad Juárez, Nuevo Laredo, Reynosa and other cities. Tissues of fish caught in the river show high levels of copper, selenium and mercury, and untreated human wastes turn the Rio Grande—literally—into the nation's biggest open sewer.

"This is a public-health disaster waiting to happen," says Dr. Reynaldo Godines, president of the Tri-County Medical Society in Laredo, Texas. The incidence of hepatitis between Brownsville and El Paso, he points out, is already six times the national average. In the El Paso colonia of San Elizario, 35 percent of children 8 years old and under are infected with hepatitis A, and 85 to 90 percent of adults contract the disease by the age of 35. At the University of Texas Health Science Center at Houston, epidemiological studies by Dr. Irina Cech reveal significantly elevated liver and gall bladder cancer mortality rates in the 33 counties along the Rio Grande that get their drinking water from the river. Dr. Cech suspects a combination of factors is responsible, including poor living conditions, high levels of fecal pollution in the water and toxic chemicals from the maquilas.

HEADING SOUTH

One fear of free-trade opponents—industries fleeing south to avoid U.S. environmental laws and the skyrocketing costs of waste disposal—has already been validated. Between 40 and 50 furniture manufacturers, unable to meet Southern California's air quality standards, have relocated in Mexico. Joseph Haring, director of the Pasadena Research Institute, monitors the trend and says furniture-industry employment in Southern California has shrunk from 85,000 workers in

1987 to 55,000 today. Over the next five years, he predicts, half of the region's 125,000 metal-finishing jobs will be lost to Mexico. "These industries can operate down there with fewer precautions and, in fact, create pollution," Haring says. "Almost to a man, that's what happens." Analysts say other industries that generate large amounts of toxic garbage—metal plating, chemicals, plastics, fiberglass, and electronics—are also migrating south.

What are the prospects for change? Observers like Roberto Sánchez of El Colegio de la Frontera Norte believe the Mexican government, eager to foster industrialization, will never lean hard on the plants unless forced to by massive environmental tragedy. There is some possibility, though, that the Bush administration will promise a more serious and comprehensive crackdown on polluters. Trade Representative Hills will unveil a proposal this week, designed to win the backing of Democrats for her trade talks with Mexico, that is expected to seek stronger bilateral enforcement of pollution standards and suggest that U.S. assistance might be available for environmental programs in Mexico.

The Bush administration is also being pressured by critics like the Coalition for Justice in the Maquiladoras—an umbrella lobbying group—to find ways to improve wages and conditions for the Mexican workers. And American companies are coming under increasing fire from liberal lobbying groups. For industry and the Bush administration, the challenge from opponents is clear: Find ways to clean up the maquiladora mess, or the prospects for a free-trade agreement will get worse.

ADMINISTRATION STILL WIMPISH IN PROSECUTION OF S&L CROOKS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. OWENS of New York. Mr. Speaker, late last year, U.S. Attorney General Richard Thornburgh, who had been quite soft on the savings and loan investigations and prosecutions, announced that he was revisiting his previous position of light sentences for white collar crooks. This year he claims that he is taking a much tougher approach to white collar crime, but figures related to the indictments, prosecutions and convictions for S&L crooks indicate that there has been no change in the lack of zeal of the FBI and the Justice Department.

This January, Attorney General Thornburgh submitted a 2-year report to President Bush and the Congress on the accomplishments of the Justice Department in prosecuting fraud in the thrift industry. The report covers the period from October 1, 1988 to December 31, 1990; the statistics for charges, convictions, and sentences were updated in March of this year. The Justice Department says that 693 defendants have been charged for S&L fraud; 495 have been convicted; 18 were acquitted; 298 were sentenced to prison; 129 are awaiting sentence; and 77 have received suspended sentences. Among the chairpersons of boards, directors, officers, and chief executive officers arrested for S&L fraud, 204 were charged, 161 were convicted, and 9 were acquitted. The Justice Department and the FBI claim that

they do not have a clue as to how many of these individuals who were sentenced to prison are actually serving time, or how many have paid the nearly \$8 million in fines of the \$259 million in restitution. A spokesperson in the Justice Department's Public Affairs Office offered a guesstimate that less than 2 percent of those sentenced have paid either fines or restitution.

It is more likely that many of these individuals, especially former S&L officials, are still enjoying their freedom. One example is former American Continental Corp. chairman Charles Keating, who has gotten away with what amounts to a legal wrist-slap. Despite the enormity of Keating's crimes the only thing that our wimpish Federal law enforcement operation has done is file a civil suit against Keating for selling securities based on false and misleading financial information. Another such individual is Don Dixon, an officer of the Vernon Savings and Loan in Texas, who used his S&L's assets to finance personal expenses, including trips to three-star restaurants in France, a multimillion dollar art collection, and a \$2.6 million yacht. Convicted on 23 counts of fraud, which should have earned him a 120-year prison sentence and \$5.6 million in fines, he instead received only a 5-year prison sentence, restitution in the amount of \$600,000, and 500 hours of community service. He will be eligible for parole in December, 1992. Mr. Speaker, I would like to submit a Washington Post editorial, "Short Sentence for a High Flier" for publication in the CONGRESSIONAL RECORD.

The Justice Department's fines and restitution for the S&L crooks are a mere drop in the bucket compared to the estimated \$500 billion, or half a trillion dollars the bailout will cost us before it is over. The individuals convicted in S&L cases are only paying a pittance considering their participation in the wholesale rip-off of S&L depositors and the American public at large.

In summary, Mr. Speaker, this Nation's top law enforcement agencies are still not willing to treat the old boy network as criminals. The following rap poem goes to the heart of this scandal:

THE FBI IS LIVING A LIE

The FBI is living a lie
When it puts bank robbers away
Treat them all equal
The way they treat Charles Keating
And let all the thieves stay.
For Keating they made a law
That is brand new
This kingpin can stay free
All Wimp Thornburgh wants to do
Is go to court and sue.
The FBI is living a lie
As long as it lets Keating talk tough
This suspect is a widow mugger
Who ought to be treated real rough.
The FBI must apologize
To bank robber Willie Sutton's children
Or put Charles Keating in the pen
This is America
Bank robbers are all equal men.
Keating—the punk who took the most—
Deserves the tightest knot
On his golden upright noose
The FBI is living a lie
As long as it lets Keating run loose.
Keating stole millions
He's clearly an enemy of the State
So why does Wimp Thornburgh

Continue to discriminate?
 All Thornburgh wants to do is sue
 Why not equal justice
 They should have sued
 Slick Willie Sutton too.
 Just because Willie robbed banks
 Was no reason to go to jail
 Look at all the S and L crooks
 Not even putting up bail.
 The FBI is living a lie
 Under Thornburgh's wimpish rule
 Being soft on S and L thugs
 Makes our great nation
 Look like a silly damn fool.

[From the Washington Post, Apr. 13, 1991]
 SHORT SENTENCE FOR A HIGH FLIER

The Government has prosecuted more than 400 savings and loan officials in connection with the scandal that is going to cost the taxpayer hundreds of billions of dollars, but according to Attorney General Dick Thornburgh, "Don Dixon was the highest of the high fliers among [these] crooks." His "excessive lifestyle and illegal management practices stood as a symbol of the wrongdoing in our national thrift industry," said the attorney general. So naturally, when he was convicted in December on 23 counts of fraud, which could have put him in prison for 120 years and forced him to pay fines up to \$5.6 million, everyone was expecting a stiff sentence. Instead, those who had followed the case were flabbergasted when U.S. District Court Judge A. Joe Fish imposed a penalty of five years imprisonment, restitution in the amount of \$600,000 and 500 hours of community service. Mr. Dixon will be eligible for parole in December 1992.

Why was this case thought by federal prosecutors to be the most egregious in this sorry set? For one thing, the defendant's Texas Institution, Vernon Savings and Loan, is one of the few failed thrifts that will cost the taxpayers more than \$1 billion. For another, his fraudulent use of the depositors' money was flagrant. He used the S&L's assets as if they were his own personal funds. He entertained lavishly—10-day trips to three-star restaurants in France, for example—and charged everything to the S&L. He elaborately redecorated a mansion in San Diego, accumulated a multimillion-dollar art collection and bought a \$2.6 million yacht, a Rolls-Royce and a Ferrari dealership with Vernon's money. And he spent tens of thousands of dollars hiring prostitutes to entertain Vernon's directors and clients. All the while, he paid himself a salary of \$1 million a year.

The crimes for which Mr. Dixon was convicted do not account for all of Vernon's losses, of course. His mismanagement played a part, and he may yet face new charges in that area. But the fraud was massive. A small-time crook who steals one percent of the amount he took would surely have to spend more than a couple of years in prison. But even if his offenses are considered to be in a different category from violent crimes like bank robbery, his penalty is far out of line with those imposed on other S&L offenders, some of whom have received as much as 40 years for similar offenses.

The fact that Mr. Dixon's sentence was such a small fraction of the penalty that might have been given, and that it varies so widely from that meted out to others convicted of similar crimes, is an illustration of the injustice of sentence disparity that recent reforms seek to address. In the case of offenses committed after 1987—Mr. Dixon's were before that date—judges must follow sentencing guidelines, and penalties outside

those guidelines can be appealed by either side. If that discipline had been used in this case, Mr. Dixon's sentence would have been tougher, and rightly so. But in spite of this setback, one judge's leniency should not discourage the government from proceeding against every last one of the savings and loan crooks and seeking the stiff penalties they deserve.

THE TENANT PROTECTION ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ENGEL. Mr. Speaker, I am pleased to announce that I am reintroducing the Tenant Protection Act of 1991. This bill is very similar to H.R. 320, the original Tenant Protection Act, which I introduced earlier this year and identical to the language included in the Gonzalez amendment to the RTC funding bill.

Specifically, the Tenant Protection Act requires the RTC to act like any other landlord when dealing with occupied residential properties by forcing it to obey State and local tenant protection laws when attempting to abrogate leases. This provision protects tenants around the Nation from wrongful evictions.

The Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] created the Resolution Trust Corporation [RTC] to close insolvent savings and loans and to manage properties previously held by insolvent institutions. The RTC has interpreted FIRREA to allow the agency to cancel all contracts, including residential leases, even if the tenants are paying rent and abiding by State and local laws.

The RTC is currently attempting to cancel existing leases in New York City in order to sell the apartments as co-ops or condominiums. The RTC has also been attempting to use the similar practices on people living in section 8 housing. In performing these evictions, the RTC would be overriding existing State and local laws designed to maintain affordable housing and protect tenants from unjust evictions.

The people being affected by the RTC's actions are low and middle income. These apartments are occupied by hard working Americans who scrape together the rent every month and try to do the best for their families. Throwing them out of their houses so that the RTC can sell or rent the apartment for a little more money is an outrage. This policy will lead to an increase in homelessness because many of the people who will lose their homes will have a hard time finding new ones at reasonable rents.

There is more at stake than just the protection of tenants. If the RTC is allowed to continue with this practice, its actions could have broad implications on the sanctity of State and local laws.

Allowing the RTC to continue its current residential lease abrogation policies is extremely dangerous. It will not only cause innocent people to lose their residences, it could create a situation where the RTC and other Federal agencies are dictating land use policies to States and localities.

Mr. Speaker, it is important for us to uphold the sanctity of State and local laws and to protect law abiding tenants from arbitrary and wrongful eviction by a government agency. The Tenant Protection Act will accomplish this goal by removing the agency's right to override State or local tenant protection laws. I urge my colleagues to support this important legislation.

GEN. CARL D. WALLACE: GUIDED
 GUARDSMEN THROUGH HISTORY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to a friend and colleague who is part soldier, part administrator, an innovator and an educator, a politician and a born leader, a commander. On May 31, 1991, Adj. Gen. Carl Wallace will retire from the Tennessee Guard and the position he has held longer than any person in Tennessee history.

There are many ways to measure a military commander, but I believe a commander's concern for the welfare of the men and women under his command is the ultimate test of his worth. When Gen. Carl Wallace watched men and women under his command leave for Operation Desert Shield, and later Operation Desert Storm, he gave each of them a commemorative coin.

After thousands of members of the Tennessee National Guard began returning from duty in the Persian Gulf, he was on hand to personally welcome them home. Many soldiers told General Wallace that the commemorative coin he gave them served as a good luck piece during their tour of duty.

Tennessee is known as the Volunteer State. Tennessee again earned its nickname during the Persian Gulf crisis when more than a third of the 19,000 men and women in the Tennessee Guard were activated to serve. Gen. Carl Wallace was responsible for overseeing the first callup of Guard and Reserve troops for a modern-day military operation. Tennessee Guard troops served admirably, exhibiting professionalism and preparedness, and reflecting the excellent job General Wallace and the Tennessee Guard had done preparing for such an eventuality.

The Associated Press story I have included for the RECORD reveals a lot about the character of General Wallace. I ask my colleagues to share this story which focuses on a truly great American and a man whose contributions to the National Guard and the State of Tennessee are immeasurable.

I am pleased to note that General Wallace will soon assume a position at Cumberland University in Lebanon, TN. Just before my election to Congress, I served as the president of Cumberland University. General Wallace's addition to the Cumberland family will help ensure the success of the university into the next century.

I ask my colleagues today to join me, in remembering the accomplishments of a great man, a great soldier, and a great Tennessean.

WALLACE RETIRING AFTER 16 YEARS AS ADJUTANT GENERAL

(By Phil West)

NASHVILLE, TENN.—Maj. Gen. Carl Wallace is retiring May 31 after 16 years as Tennessee's adjutant general, but he says he'll still be on hand to greet National Guard members when they return from the Middle East.

"I sent them. And I'll be there when they come back," Wallace said.

Wallace, who turns 60 on May 20, is retiring at the end of the month after 16 years as Tennessee's adjutant general, nearly seven years longer than any commander in Tennessee history.

As the state's top military officer, Wallace is responsible for the Tennessee Army and Air National Guard, the Tennessee Emergency Management Agency, the War Records Bureau and the Tennessee Defense Force, a standby group of 1,300 members.

Nearly one-third of Tennessee's Army and Air Guard 19,000 members were activated because of Operation Desert Shield, later Operation Desert Storm. Wallace shook hands with them before they shipped out for duty in the Persian Gulf, and he has vowed to greet them all when they return.

"They feel good about themselves," Wallace said of the returning Guard members.

"They wondered, 'Can I do it? I'll be shot at. Do I have the training?' The usual butterflies."

Wallace was on hand at Fort Campbell, Ky., on Thursday to greet 58 returning members of the 1174th Transportation Co. of Dresden, Tenn.,

Staff Sgt. Douglas Edwards marched up to Wallace, saluted smartly, then fished two worn coins from the pants of his desert fatigues uniform.

"These are my good luck charms," he told Wallace outside a hangar at Campbell Army Airfield.

"They all brought them back, except one, and I replaced that one," said Wallace, who gave all Tennessee National Guard members a commemorative coin as they shipped out for duty in the Middle East last fall.

A major shift in Pentagon thinking integrating Guard and Reserve units with regular active-duty outfits allowed Tennessee's citizen-soldiers to merge into combat and service units in the Persian Gulf War, Wallace said.

"We trained them to deploy. We trained them to fight. We trained them to survive," Wallace said.

"But most of all, we trained them to come home winners."

Such thinking, along with the All-Volunteer military concept, are the two biggest developments he witnessed during his tenure as adjutant general, Wallace said before flying to Fort Campbell.

During the 30-minute flight, Wallace reeled off other changes:

The Guard's total budget ballooned from \$90 million a year in 1975 to more than \$500 million today.

Its payroll will be \$175 million to \$180 million in the coming year.

The Guard's membership increased from 11,200 to more than 19,000.

Wallace beamed Thursday as 58 Guard members marched into a hangar at Campbell Army Airfield after their 20-hour flight from Saudi Arabia.

He hung back as Guard members embraced family and friends.

"What I try to do here is make myself as scarce as possible," he said.

"This is family time."

After a brief flight back, Wallace reflected on his tenure.

He was at work as editor of The Lebanon Democrat newspaper he was the Guard's command information officer at the time when he was asked to interview with a blue ribbon panel helping Ray Blanton assemble his Cabinet.

"I didn't know if I wanted to do it," he said.

Wallace was named adjutant general in January 1975 and served governors Blanton, Lamar Alexander and Ned McWherter.

Now, he says, it's time to move on to another career. He is being considered for a fund-raising position at Cumberland University in Lebanon.

University President Thomas Mills said a decision will be made on the job by Thursday.

Wallace will be succeeded by Col. Jerry Wyatt, now serving as the Army's chief property and fiscal officer for Tennessee.

A general officers selection board is expected to decide by the end of May whether Wyatt will be promoted to brigadier general.

In the meantime, Wallace said McWherter has granted him senior military status so he can be around to greet the last returning Tennessee guardsmen.

VOLUNTEERS: THE SOUL OF VA HEALTH CARE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MONTGOMERY. Mr. Speaker, the war in the Persian Gulf caused a great deal of attention to be focused on the Nation's veterans' health care system and its readiness as a backup to military hospitals in treating casualties. Many Americans probably were not aware that this is a crucial component of the VA mission. Taken into account with the VA's role as health provider to millions of indigent and service-disabled veterans annually, we can easily see that VA medicine is a vital organ of American health care. The very heart of this system is the thousands of dedicated professionals who provide compassionate, quality care to our veterans in VA hospitals, outpatient clinics, nursing homes, and domiciliary care nationwide. And if they are the heart of the system, then the thousands of volunteers who complement this work are its soul. Frankly, we could not run our veterans' hospitals without the volunteers who so selflessly give their time and energy in seeing to the comfort and care of hospitalized veterans and their families.

The number of volunteers at VA medical facilities has risen each year for the past 11 years, from 79,000 in 1979 to more than 87,000 in 1990. The trend is expected to continue with increased offers of support as a result of the Persian Gulf war.

In the history of VA's Voluntary Service Program, currently headed by Mr. Edward Rose, volunteers have contributed more than 13.3 million hours of service to America's veterans, an accomplishment recently recognized by VA during National Volunteer Week, April 21-27. More than 300 volunteers have contributed 20,000-plus hours of service to hospitalized

veterans; seven individuals have provided more than 50,000 hours.

Though local volunteer aid to VA medical facilities started well before World War II, support grew in the 1940's and, in 1946, VA established the Voluntary Service National Advisory Committee with representatives of major veterans' groups. Today, 58 national veterans' service, civic, religious, and fraternal organizations serve on the committee, giving direction for the recruitment, training, and placement of volunteers in VA medical centers.

VA volunteers perform a variety of duties, ranging from traditional ones such as escorting patients and reading to and writing letters for them, to creative activities such as teaching crafts.

Mr. Speaker, it is my pleasure to bring to the attention of my colleagues an especially successful volunteer effort, the model program at the Bay Pines, FL, VA Medical Center. This outstanding veterans' hospital recently honored over 600 of its nearly 1,800 community volunteers who contributed approximately 300,000 hours in service to hospitalized veterans during 1990. Each of the 600 honorees served at least 100 hours.

Special tribute was paid to Mrs. Edna Lott, 90, an American Red Cross volunteer at the medical center, who received VA's highest volunteer award, given by Secretary of Veterans Affairs Ed Derwinski. Mrs. Lott has contributed over 45 years of service and an amazing 22,148 hours to the Nation's hospitalized veterans.

The following special awards also were presented:

Soil Lieberman—Jewish War Veterans, 10,000 hours.

Raymond Lindberg—Veterans of Foreign Wars, 15,000 hours.

LaVerne Maxwell—Hospice Volunteers, 15,000 hours.

Harold Cook—Pearl Harbor Survivors Assn., 15,000 hours.

Ramon Batiato—Disabled American Veterans, 15,000 hours.

Lucille Cook—Pearl Harbor Survivors Assn., 20,000 hours.

Additional awards were presented to Pete Radichio of the Disabled American Veterans for traveling the greatest distance to serve as a volunteer; to Mollie Avery of the Jewish War Veterans Auxiliary for serving as a volunteer for 29 years; to Abby and Hewitt Dunn of the Veterans of Foreign Wars for their over 43 years of volunteer service; and to William German of the Archdiocese for the Military Services for his 2,449 hours contributed in the last year alone.

John Vogel, director of the Bay Pines VA Medical Center, said that volunteers are an important element in the quality of care at the hospital. In his words:

They do a great deal of the little things that mean so much to our veteran patients but that our staff just doesn't have the time to do. Almost everything done by the volunteers here directly impacts on patient care. We couldn't meet all the patients' needs without their assistance.

Mr. Speaker, I know my colleagues will want to join with me in commending the exemplary volunteer program at the Bay Pines veterans' hospital and the very generous and caring

people who have made it so successful. Veterans at Bay Pines and throughout the VA health care delivery system are very fortunate to have such considerate and giving individuals looking out for their best interests and helping them to recover. I am proud of what these people do, and I hope many more will join their ranks. I encourage anyone who is interested in volunteering at a VA medical center to contact its Chief of Voluntary Service.

GEORGE GUNN: THE CITY OF ALAMEDA'S 1991 MAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, I would like to take this opportunity today to pay tribute to Mr. George Gunn, who was recently voted the "1991 Man of the Year" by the city of Alameda in California's Ninth Congressional District.

Mr. Gunn, a 45-year-old Oakland native has been the curator of the Alameda Historical Museum for the past 20 years and has become one of the foremost experts on Alameda history. He began working at the museum when a friend recruited him after noticing his interest in history and fine arts. The job had been vacant for several years since the previous curator had died in office. After taking over, Mr. Gunn turned the museum around—the museum has expanded its hours, tripled its collection and changed its focus to represent only the history of Alameda.

In his regular job, George Gunn teaches learning disabled fifth graders for the Oakland School District but, for the last two decades, he has spent almost every Saturday and several weekdays collecting and cataloging acquisitions. He can go through the thousands of acquisitions in the museum and identify each object.

He has also written two books on Victorian homes. For 12 years, he combed through the city's archives and walked the street for research. If you show him a picture of any Victorian in town, he can tell who built it, when it was built, and its ownership history.

This award comes at an opportune time for George Gunn and the Alameda Historical Museum because the museum has just moved to new quarters in the old Masonic Temple building and is being completely revamped. The new location's first exhibit, "Athletes, 1860–1986" is due to open on July 27.

Mr. Speaker, I would like to congratulate Mr. George Gunn on being chosen as the city of Alameda's "Man of the Year" and to commend him for his dedication to the community. Mr. Gunn has spent the past 20 years safeguarding Alameda's past for the enjoyment and benefit of everyone.

**A TRIBUTE TO SNOWDEN
McFALL—WINNER OF SBA AWARD**

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Snowden McFall from Nashua, NH, who is being honored this week by the Small Business Administration. Ms. McFall, president and founder of Brightwork Advertising, Inc., has been named National Women in Business Advocate of the Year. I am proud to bring my colleagues' attention to such an outstanding member of my community.

After teaching junior high school for 5 years, Snowden left the field of education to work as a secretary for a Boston advertising agency. From Boston, Snowden moved to New Hampshire to work with O'Neil & Associates. Finally, she started her own full-service agency in 1983, entitled Brightwork Advertising, Inc.

Being aware of the unique challenges women face in starting a business, Ms. McFall not only began her own company, but also assisted in founding Success for Women Entrepreneurs, a State advocacy group devoted to creating more successful women business owners.

With typical understatement, Ms. McFall has likened her new life in the business world with her beginnings in education: "With teaching, you have a product you have to sell (U.S. history) to a market that doesn't want it, (ninth graders), and then you have to test the results. It's the same as in marketing, except you're playing with children instead of money." Whether in education or in business, it takes special qualities to be successful. And Ms. McFall has these qualities in abundance.

Mr. Speaker, I am proud to congratulate this most remarkable woman on her achievements. She has brought honor and prestige to our State, and I commend her display of ingenuity and initiative. Snowden McFall serves as an excellent role model for businesswomen in both my district and throughout the country.

**AMERICA'S YOUTH TAKING THE
LEAD**

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to share with my fellow Members the future of our country. Too many times, the reports that one hears about our younger citizens, our teenagers, and young adults, is of drugs and gangs, killings and pregnancies. Today, I submit to you an example of what I believe to be the future leaders of our country.

Miss Jennifer Olson of Boulder City, NV, is such an example. Her idea for youth leadership within our States is innovation and refreshing. It will be leadership such as hers that will carry our country into the next century and beyond.

I submit her correspondence to my fellow Members, and encourage all to take the prin-

ciples that lie within it to heart, involvement, commitment, and community service. These are all principles that brought my fellow Members and myself to Congress. I am proud to see that these principles lie in our future leaders, today's youth.

I hereby submit the text of Ms. Olson's letter for the RECORD:

BOULDER CITY, NV,

April 4, 1991.

HON. JAMES H. BILBRAY,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR BILBRAY: My name is Jennifer Olson and I am a Senior at Boulder City High School. As a project in my government class I am required to submit to you an idea for a bill.

It has come to my attention in recent years that America today faces too many problems, with too little solutions.

It has also come to my attention that young Americans are trying to help find solutions, and find a way to get involved with American politics with fresh ideas.

My idea is to start a council, or cabinet either within each State or one which covered the entire U.S. Made up of young adults 18 and older. They would be required to campaign for office just like any regular politician—and could tackle problems, that our own Government seems to find too small to find a solution for. I feel there are numerous amounts of brilliant minds across the States, who are eager to make changes for the environment, America's homeless, drug abuse, gang violence, etc. They just need to be given the right foundation and power to make a difference.

I would greatly appreciate it if you would consider my idea, and receive a response.

Thank you,

JENNIFER OLSON.

SUPPORT OF H.R. 1412

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SCHAEFER. Mr. Speaker, tomorrow we will attempt to end a long and contentious debate over two pieces of legislation noble in origin and purpose. Both the Staggers and Brady bills came about in response to the scourge of gun-related violent crime that plagues our Nation. But while each proposes a system designed to achieve the goal of keeping guns out of the hands of felons, only Staggers does so in a way that is not only more effective, but constitutionally sound as well.

There is general agreement that background checks would be an important step in preventing criminals from acquiring firearms through legal channels. But a background check is only as good as the quality of information available. Unlike the Brady bill, Staggers recognizes this fact by explicitly providing additional resources for States to improve their records. Mandated background checks of continually updated records are clearly preferable to the Brady system, which at best encourages a check of incomplete and often difficult to locate records.

If our goal is truly to implement a system which quickly identifies felons without imposing on law-abiding citizens, tomorrow's choice

is evident. I urge my colleagues to join me in support of the Staggers amendment to H.R. 7.

AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MFUME. Mr. Speaker, I rise in support of H.R. 904, the bill to authorize a landmark theme study for an African-American history and culture museum for the inclusion in the National Park System.

Mr. Speaker, the theme study and actual development of a future site would be a welcome gift to the African-American community and millions of other Americans whose ancestors contributed to the struggle for freedom and equality for all Americans.

This Congress, I have introduced House Joint Resolution 155, a bill to establish an African-American monument to promote history and culture on the Capitol Grounds or its environs. My legislation was drafted with the advice of several Baltimore constituents and members of Maryland's artistic community. We believe that it is vitally important to have some sort of African-American historical representation in the Capitol.

Such future representation will go a long way to bind this diverse Nation together through greater understanding and familiarity with our fellow country men and women.

Additionally, on Wednesday, May 8, 1991, I will introduce a bill that I have championed since the 100th Congress. My bill, the African-American Historical and Cultural Museums Week, seeks to highlight the important contributions that such museums make to preserving the history and culture of black America. This year's legislation will commemorate African-American Museums Week from September 23 through 27, 1991.

I wish to thank my good friends and colleagues Mr. LEWIS of Georgia and Mr. VENTO for their excellent job of guiding the landmark theme study legislation through the committee process and through the House Chamber. Your efforts will inevitably distinguish the African-American historical experience within the great American melting pot and serve to resurrect the dreams and aspirations of a community that has contributed so much to America's physical and social development.

The landmark theme study authorizes the appropriation of \$500,000 for the Department of the Interior to identify a suitable location. It is my desire that the Department of the Interior will select a central site that is easily accessible to all interested visitors.

A BILL TO AUTHORIZE A STUDY OF NATIONALLY SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RIDGE. Mr. Speaker, it is a pleasure for me to take the floor today to express my strong support for H.R. 1143, legislation that will authorize the Secretary of the Interior to study and identify nationally significant places in American labor history.

It is unquestionable that one of this Nation's greatest assets is the work ethic of the men and women of America. Together, they have built this Nation, provided for their families, their communities, and, yes, even the entire world. Those achievements, however, did not come without a struggle to achieve even the most basic of freedoms, for we cannot forget nor neglect the fact that our workers, union and nonunion alike, have often suffered in the workplace. Their toil did not come without cost as their labors were not always properly rewarded and the needs of their families not always met. And while our children often hear of the triumph of the American workers, the pain and despair that often accompanied such advancements is all too often overlooked.

Today, we have the opportunity to recognize this rich heritage and to preserve it so that future generations may understand the significant contribution of workers to our history. Such an understanding is by no means trivial. It is the story of how Americans lived, worked and even perished to create and sustain the life we enjoy today. By virtue of tremendous perseverance, America's workers and our free enterprise system have become the standard upon which the world judges what is fair, what is just, and what is most productive.

Mr. McNULTY and Mr. VENTO, both of whom have put a great deal of effort into this legislation, bring before us a bill that, I believe, deserves the support of this entire body. Let us join together to enhance the value of work in America as it relates to our Nation's history. I urge my colleagues to join me in supporting this legislation.

FAST TRACK AND MEXICO: THE CONSTITUTIONAL PERSPECTIVE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LaFALCE. Mr. Speaker, earlier today I addressed the Council of the Americas on the topic of United States-Mexico trade and the pending congressional vote on extension of fast-track authority. My remarks focused on the constitutional implications of the fast-track process, emphasizing why I believe fast-track guarantees are constitutionally unenforceable. I would like to share these remarks with the House:

AN ADDRESS BY HON. JOHN J. LaFALCE
BEFORE THE COUNCIL OF THE AMERICAS

I am delighted to have this opportunity to appear before you today to discuss a number of concerns regarding the proposed United States-Mexico free trade agreement and the pending congressional vote on extension of fast-track negotiating authority.

As most of you are aware, President Bush sent to Congress last week a 70-page "action plan" outlining a variety of labor, health, and environmental concerns that would be addressed in negotiations with Mexico. While long on assurances, the plan falls short of providing measurable goals for the negotiations and fails to define specific actions to preserve U.S. jobs and wage levels.

By keeping its plans vague and offering only promises that key Congressional concerns will be taken into consideration, the President's statement illustrates what some observers now see as the central issue confronting Congress—Whether Congress trusts the Administration and its negotiators enough to give away its Constitutional powers on this issue?

While the focus on Constitutional power is right on track, I think the issue goes beyond a mere question of trust. It is crucial to understand, Congress does not have the authority to provide, nor can it provide, the type of negotiating freedom the President is seeking. In a letter to Members of Congress last week, President Bush urged support for extension of "unencumbered fast-track procedures." Just what this means was explained in White House statements that negotiations could not proceed unless a final agreement was given "immunity from Congressional amendment." I suggest to you today that this is something Congress will not provide, and can not provide, even if fast-track procedures are extended.

The Constitution is clear in separating the powers of the Congress from those of the Executive—Article I delegates powers to the Congress; Article II defines the powers of the President. Article I, Section 8 clearly states: "The Congress shall have Power—To lay and collect Duties, Imports and Excises . . . (and) To regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes."

This clear allocation of authority in the area of foreign commerce, like the power to collect taxes, borrow money or declare war, is a matter of original jurisdiction to the Congress and a central feature of Congressional power. The Congress can not forfeit this power, nor should Congress reduce itself to a peripheral role in the exercise of this power, except under the most unusual and compelling circumstances.

Equally important, Congress can not be barred from exercising its power to regulate foreign commerce simply because an earlier Congress chose not to do so. Indeed, even the same Congress can not be constitutionally bound by its own prior actions with respect to rules. It can constitutionally change its mind and its rules any day of any year.

We witnessed a comparable situation earlier this year with regard to the Persian Gulf crisis. Although President Bush claimed authority to initiate military actions against Iraq, he was very careful not to take action until Congress approved a resolution authorizing the use of force. That Congress may have previously acquiesced in military initiatives by the President did not imply any forfeiture of Congress' power to declare war.

The constitutional problems of the fast-track procedure are not new arguments. They were strongly expressed by House

Members in 1973 when, in debating what became the Trade Act of 1974, the fast-track proposal was targeted for specific criticism as "the broadest sweep of authority yet granted to the President."

The first to raise these concerns was Mr. Rostenkowski's predecessor as Chairman of the Ways and Means Committee, Al Ullman, who then served as Chairman of the Trade Subcommittee, now chaired by Mr. Gibbons. Ullman objected to proposals requested by President Nixon for "delegating broad new powers to the Executive in carrying out trade agreements," and eloquently defined the problem that continues to confront Congress—

"The difficulty in our system of government, particularly in the field of trade, has been this balance of power between the Executive and legislative. I think you can always make an argument in the field of international affairs for more power in the hands of an executive and perhaps even unlimited power. It is certainly more effective in some respects.

"I think it is far more important, however, that we hold to the principles of separation of powers, and that we keep to our constitutional authority, than it is to get a temporary and immediate benefit in this field."

Another former chairman of the Trade Subcommittee, Charles Vanik, also raised strong constitutional arguments regarding the fast-track process and other proposals of the 1974 Act:

"The Congress should legislate trade policy—not abdicate responsibility. . . . This bill stakes out extensive authority for executive discretion—and this discretionary authority is carved out of the little that remains of the shattered and torn access of constitutional congressional authority and responsibility. If the Congress should pass this bill . . . it will move the Congress a considerable distance toward becoming an unnecessary branch of government. As far as trade is concerned, there will be little left for the Congress—but remorse for its own folly."

These and other arguments were persuasive in convincing 140 House Members to vote against the 1974 Trade Act, including the current Ways and Means Committee Chairman, Mr. Rostenkowski.

Although intended in the 1974 Act as a mechanism for preserving Congressional prerogatives in an uncertain forum of multilateral negotiation of non-tariff barriers, the fast-track process has become the means for limiting Congressional involvement in all trade agreements. Lingering constitutional concerns have been dismissed with arguments that fast-track offers the most efficient and convenient method for obtaining critical agreements from foreign nations and for facilitating prompt approval by Congress. But it is always more convenient, or more efficient, to circumvent the Constitution. As Justice Brandeis observed seventy-five years ago, the separation of powers doctrine "was not adopted for efficiency, but to preclude the exercise of arbitrary power."

I am not saying the fast-track process is unconstitutional. I am certain, however, that any fast-track approval process is constitutionally unenforceable.

That Congress can be bound in advance by any procedure that limits its deliberations or prevents it from adopting amendments is illusory. The whole concept of fast-track authority is *ultra vires* and nonbinding. Article I, Section 5 of the Constitution provides—

Each House may determine the Rules of its Proceedings.

This authority may not be impaired or controlled by the rules of any preceding

House, or by any law passed by a prior Congress. Further, either House may change today's rules tomorrow. This is our constitutional prerogative. No congressional statute can waive that constitutional power in *future*.

Thus, whether the 100th Congress voted to extend the fast-track process in 1988, or whether Congress votes to extend fast track this month, there will still be no guarantee that a trade agreement will be considered without amendments. If commitments are not kept, or Congressional concerns are ignored, Congress can simply change its rules and amend an agreement. As Congress explained in the 1974 Act, and again in the 1988 extension, fast-track procedures are an "exercise in the rulemaking power" of each House and are enacted—

"With full recognition of the constitutional right to either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as any other rule of that House."

While this clause accounts for less than one percent of the wording explaining fast-track procedures, it is critically important. It acknowledges that Congress can not be bound by any specific rule of procedures and that it reserves the right to change its procedures at any time. Thus, fast-track is simply an expression of present intentions with respect to future action. It is hortative and in no way conclusive or binding.

Further, I think it is nonsense to say that a trade agreement cannot be pursued without fast-track guarantees. During the nearly 200 years from Washington's inauguration in 1789 until 1974, Presidents were able to conclude commercial agreements without fast-track. Indeed, Presidents have always had the choice of submitting a commercial agreement either as a treaty or an agreement. What determined this choice, in many instances, was whether a President through the agreement could obtain the two-thirds vote necessary for Senate ratification of a treaty. Fast-track now provides a President with the best of both options—a single yes-or-no vote without amendment used in treaty ratification, but with a simple majority vote of the regular legislative process.

I suggest that fast-track has become necessary for negotiating trade agreements not because foreign countries demand it, but because Presidents want it. Foreign governments have long accepted the necessity of dealing with both the President and the Congress. This is an understood difficulty of dealing with the United States. More than foreign governments, it is the President who dislikes Congressional interference. Even when acting as a delegate of Congressional authority, which he clearly is in this context, the President does not wish to see his efforts revised in any way.

In seeking "unencumbered" fast-track authority, President Bush is, in essence, seeking Congress' foreign commerce powers. Administration officials seek to define the goals and the focus of broad trade discussions with Mexico and also negotiate the substance of the trade agreement. Congress' entire role in the process is reduced to something akin to the Senate's role of advice and consent in political treaties. This may permit more effective negotiations, and it is clearly more convenient. But this is not what the Constitution requires.

Even with the failure of a motion to disapprove the extension of fast-track authority, it is not clear that a simple extension of the process would be applicable to an agree-

ment deriving from the proposed North American free trade negotiations. Section 1103(b) of the 1988 Act authorizes use of fast-track procedures only in conjunction with two distinct types of trade agreements—(1) agreements involving the reduction or elimination of "nontariff barriers," and (2) "bilateral" agreements involving tariffs and nontariff barriers. The President on March 4, 1991 formally requested extension of fast-track authority for purposes of initiating trilateral negotiations with Mexico and Canada to achieve a regional free trade agreement. Since this agreement would be trilateral rather than bilateral, and would involve both tariff and non-tariff barriers, it would not qualify under either standard for consideration under present fast-track procedures and would be subject to challenge on a point of order.

The House routinely employs a variety of procedures to restrict debate and amendments. Most typical is the "modified closed rule," which permits consideration of a bill with a limited number of amendments. This was the procedure used for passage of the 1974 Trade Act which prevented consideration of constitutional objections to fast-track and other procedures. Occasionally, we have even used a completely closed rule to exclude all amendments. But these rules are adopted by the House membership after the substance of the issue has been addressed in Committee and debated at length, not before. We do not vote on a rule months, and even years, in advance of discussing the substance of the issue, or of even knowing what issues are to be addressed.

A broad free trade agreement with Mexico is unprecedented in seeking to open the world's largest industrial economy to a nation with an economic and social structure that characterize, at best, a developing country. Given Mexico's huge and impoverished population and its proximity on the U.S. border, the agreement carries the potential to dislocate U.S. production and workers on a massive scale. An agreement would affect federal and state law in areas ranging from immigration to public health, as well as enforcement of codes and standards involving such things as product quality and environmental protection.

So pervasive is the potential impact of the agreement, the President's demand for fast-track authority is comparable, in my view, to the President's proposing a sweeping reform of the nation's tax codes and requesting a simple yes-or-no vote for whatever tax system he chooses to develop. This request would be unthinkable to Congress and to the public. And yet, this is not substantially different from the situation now facing Congress.

We are being asked to waive our right and our responsibility to offer amendments to any possible agreement; to accept on faith that our concerns will be addressed and that best possible agreement will be negotiated.

Further, we have already been told that Mexico has refused to put energy issues on the negotiating table. With oil accounting for 20 percent of U.S. imports from Mexico, how can this question be off the table! We also have little indication that negotiations will attempt to address the need for debt relief, or the problem of Mexico capital flight. Equally critical is the problem of subsidies, which was a key issue in negotiating the U.S.-Canada agreement. The Canadian negotiations simply deferred consideration of this question. Given the vastly more pervasive role of state subsidies in the Mexican economy, I would be surprised if this question is ever addressed with Mexico.

Supporters of the fast-track proposal argue that Congress is not being barred from considering these issues, and that it retains the ability to defeat any agreement it finds objectionable. Theoretically, this is true; practically speaking, this is false. Once a Mexican trade agreement is submitted, two major arguments will be raised. The first, by the President's supporters, arguing that the President's international credibility is at stake and defeat of the agreement would undermine the President's ability to conduct foreign affairs. The second, by the President himself, arguing that the agreement is critical to avoid political and economic revolution on our border.

This, I strongly suspect, is the basis of which most Members will ultimately vote on the issue, not on the specific merits of the final agreement. An emotionally-charged political debate will again preclude debate on substantive economic and policy issues. Therefore, it becomes all the more imperative to address these questions now, before fast-track is extended. A successful free trade arrangement with Mexico ultimately requires leadership, not gimmickry.

I believe in liberalized trading arrangements. I have consistently supported our negotiating efforts in the Uruguay Round and have been the strongest advocate in Congress for the U.S.-Canada Free Trade Agreement. I also believe we should open our economy as much as reasonably possible to Mexico and to all of Latin America. I supported the Caribbean Basin Initiative and was the author of the International Debt Management Facility Act, which was the forerunner of the Brady Plan, for providing debt relief to Mexico and to other Latin American countries. Indeed, we must go much further.

And while I think the time has come to establish close trade relations with Mexico, trade negotiations must be placed in a broader context. Negotiations must seek to address Mexico's major problem of debt and its pressing need for debt relief. Equally urgent are policies to stem capital flight which robs Mexico of needed capital investment. If the wealthy of Mexico are unwilling to invest in their country's economic future, why should the United States?

Negotiations must also address the critical issues of wage disparities and state subsidies that make it virtually impossible for U.S. producers and workers to compete. And U.S. policy must also seek greater democratization of the economic process in Mexico to assure that Mexican workers gain an increasing share of the benefits of economic growth. Perhaps most important, free and open trade should not come until there are free and open elections. We should not even consider a free trade agreement with Mexico without a number of preconditions. One essential precondition being international supervision of the August 1991 federal elections for the Mexican Congress.

Without such efforts, I fear that opening the U.S. economy to Mexico will only encourage the transfer of U.S. production across the border, with little improvement in the glaring social, economic, environmental and political inequities of Mexico, and with little or no reciprocal benefit to the U.S. economy. American jobs would be sacrificed in a political agreement that benefits primarily the transnational corporations and Mexico's wealthy elite.

My greatest concern, however, is that Congress will be confronted with little option but to approve an agreement that encourages American producers to respond to international competition a low-wage option

rather than a strategy of training and technological progress. Instead of improving conditions in Mexico, this may put the United States solidly on Mexico's current path toward lower wages, lower incomes and lower living standards.

THE AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY ACT OF 1991

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SLATTERY. Mr. Speaker, I rise today in support of H.R. 904, the African-American History Landmark Theme Study Act of 1991.

This important legislation directs the Interior Department to conduct a 3-year national historic landmark theme study to identify the key sites in the history and experience of African-Americans, and on the basis of the study, to prepare a list of the most appropriate sites for inclusion in the National Park System. The study would be carried out through cooperative agreements with scholarly and historical organizations.

We in Kansas are especially interested in this legislation because the sites associated with the U.S. Supreme Court decision in *Brown versus Board of Education of Topeka* are located in Topeka, KS.

The Monroe Elementary School was the school a little girl named Linda Brown was forced to attend in 1949 despite its 2-mile distance from her home because the school nearer her home, Sumner Elementary School, admitted only white children. Linda's father, Oliver Brown, agreed to participate in the class action suit that bore his name and led to the 1954 Supreme Court decision.

In 1987, the National Park Service conducted a theme study that resulted in national historic landmark designation for the Sumner Elementary School. The National Park Service is now reopening the study to include the Monroe School.

These sites are just two of the many key sites in the history and experience of African-Americans. It is my shared hope, along with thousands of Kansans and perhaps millions of Americans, that the Federal Government will build on this important first step to more fully recognize the important contributions African-Americans have made to our Nation's history.

TIBET'S LEGAL STATUS AND CHINA'S SOVEREIGNTY CLAIMS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 145 expressing the sense of Congress that Tibet is an occupied country under established principles of international law whose true representatives are his holiness the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people.

In 1949-50 the People's Republic of China invaded Tibet. To this day the Communists claim that they "peacefully liberated" Tibet. What or whom did they liberate the Tibetan people from and was it done peacefully?

At the time of the invasion there were three Westerners living in Tibet. Was it from them that the Communists liberated Tibet? Two were Austrian mountain climbers who were fleeing British India during the Second World War. The other was a British subject working for the Tibetan Government. I had the pleasure to meet one of the Austrians 3 weeks ago, the other died some years ago, and I will be meeting the Englishman this week at the Smithsonian where he will be speaking about his years in free Tibet and then in a Chinese prison camp. I don't believe any of these gentlemen were so powerful that they held Tibet in bondage.

So the question remains. What or whom did the Communist Chinese liberate Tibet from?

After the invasion the Chinese Communists centralized the Tibetan economy, communes were set up, a vast gulag was built and over 1.2 million Tibetans, a sixth of the population, met their deaths through execution, torture, starvation, and suicide.

The Chinese systematically destroyed and looted over 6,000 monasteries and temples: 80 percent during the "Democratic reforms" before 1966, and the remaining 20 percent during the cultural revolution. The practice of religion, to this day, is extremely restricted.

In 1983, a huge population transfer of Chinese into Tibet began. It is quickly reducing Tibetans into a small and insignificant minority in their own country.

Through a vast system of apartheid, Tibetans have become second rate citizens.

The answer is obvious.

The Communist Chinese are attempting to liberate Tibet from itself—its own national identity. They plunder its treasure, destroy its religious institutions, and now try to drown Tibet in a sea of Chinese.

None of this is "liberating" to Tibetans or very "peaceful".

On May 23 of this year, the Chinese Communist party will be celebrating their 40 years of rule over occupied Tibet. Tibetans fear the outbreak of further violence and feel resentment as the Chinese erect a 230-foot high monument in Lhasa, the capital of Tibet, commemorating the dreaded anniversary.

The celebration, expected to be the largest display of force since the Chinese invasion, will focus on May 23 because it is the 40th anniversary of the signing of a 1951 document between representatives of Tibet and China, known as the 17 point agreement. The Dalai Lama and his government repudiated the "surrender" document when they fled into exile 8 years later, stating that it was signed under duress.

Accordingly, Mr. Speaker, House Concurrent Resolution 145 is a timely initiative which I urge my colleagues to support.

Mr. Speaker, I request that a paper prepared by Congressman ROSE and myself, titled "Tibet's Legal Status and China's Sovereignty Claims," be inserted at this point in the RECORD. In addition, I am requesting that the full text of House Concurrent Resolution 145 be inserted at this point in the RECORD.

TIBET'S LEGAL STATUS AND CHINA'S SOVEREIGNTY CLAIMS

(Prepared by the offices of Hon. Benjamin A. Gilman and Hon. Charles Rose)

CURRENT LEGAL STATUS

Tibet today is an independent country under illegal occupation by China.

Tibet was fully independent on the eve of the Chinese invasion in 1949/50.

Tibet possessed all the attributes of statehood as defined under international law, i.e., a defined territory, population, independent government, and ability to conduct international relations, at the time of the Chinese occupation. International Commission of Jurists, 1960.

The Head of State, the Dalai Lama, emphasized Tibet's independence externally in formal communications with foreign rulers, by issuing a proclamation reaffirming Tibet's independence, and by strengthening the country's defenses.

Tibet further maintained a postal system, issued passports, and had its own currency.

Independent status does not depend upon recognition by foreign governments; recognition can neither create nor extinguish a state.

Recognition only provides evidence that foreign governments are willing to treat a state as independent.

Throughout Tibet's history, several countries, including Mongolia, Bhutan, Nepal, British India and Czarist Russia recognized Tibet independent of any Chinese government.

Britain's 1904 expedition to Tibet was precipitated by its failure to obtain trading rights with Tibet, its concerns over Russian influence in the country, and its recognition that even though the Chinese claimed suzerainty over Tibet, they had no real power there.

The British attempted to correspond with the Tibetan Government in 1900 and 1901 and ultimately negotiated the Lhasa Convention of 1904 directly with the Tibetan Government.

The British refused to accept China's suzerainty claims or any other rights over Tibet unless China signed the 1914 Simla Convention with Britain and Tibet, which China never did.

The Nepalese executed a treaty with Tibet in 1856.

Nepal's recognition of Tibet was reaffirmed in 1949 in documents presented to the United Nations in support of Nepal's application for membership.

Delegates to the United Nations have explicitly recognized Tibet's independent status before China's invasion.

"Tibet was for two thousand years free and fully in control of its own affairs and a thousand times more free than many members of the U.N." Ambassador Aiken, Representative of Ireland to the United Nations, 1961.

"It is clear that on the eve of the invasion in 1950, Tibet was not under the rule of any foreign country." Representative of the Philippines to the UN, 1950.

The majority of states "refute the contention that Tibet is part of China." Representative of Thailand to the United Nations, 1950.

China's illegal occupation of Tibet can never be legitimized.

Under established principles of international law, territory cannot be acquired by the illegal use of force.

China's aggression against, and invasion of, Tibet's territorial integrity was condemned by virtually all states of the free world, including the United States.

United Nations Resolution Nos. 1353, 1723, 2079, 1959-61.

The "17-Point Agreement for the Peaceful Liberation of Tibet," signed in 1951, purporting to legitimize China's occupation of Tibet, is void under international law.

The Agreement was executed under duress, with 40,000 Chinese troops already in Tibet and the threat of an immediate occupation of Lhasa and the total obliteration of Tibet in the offing if the Tibetans failed to sign.

The Dalai Lama repudiated the Agreement in 1959.

International law protects the independence of a state from attempts to destroy it.

Tibet need not prove its continued independence.

China is obligated to prove its rights over Tibet, showing at what precise moment and by what legal means it acquired them.

CHINA'S SOVEREIGNTY CLAIMS

Tibet was a sovereign state for over two thousand years with only two brief periods in its lengthy history in which it came under the influence of foreign powers, a record not rivaled by many of today's independent countries.

During Tibet's imperial age (5th to 10th centuries), Tibet was one of the most powerful nations in Asia. Its domain extended over present day Tibet, Western China, Upper Burma, Nepal, Bhutan, and Turkestan.

China's own historical records show that during this period Tibet was a strong state with whom China was forced to deal on a footing of equality.

China's claim to sovereignty over Tibet stem solely from short periods in the 13th and 18th centuries when neighboring empires exerted some influence over the country, although neither of these powers were Chinese.

In the 13th century, the Mongols, led by Kublai Khan, established an empire that included subjugation of the Chinese people, but created only a special, priest-patron relationship between the Mongols and the Tibetans.

Tibet was never a part of the Mongol Empire's domain.

The Khans never demanded or received tribute from the Tibetans, as they did from China.

The Khan viewed Tibet as the sovereign domain of the Church, its head as the Khan's spiritual advisor, the only equal he admitted in all of Asia.

The Tibetans broke off any relationship with the Mongols before the Chinese rejected Mongol rule and established their own Chinese dynasty, the Ming (1368-1644).

The Ming Dynasty had few ties with the Tibetans and no authority over Tibet.

In the 17th century, the Manchus overthrew the Chinese leaders of the Ming Dynasty and established the Qing Dynasty (1644-1911).

The only formal relationship between the Manchus and the Tibetans was again one of priest to patron, with the Dalai Lama acting as the Manchus' spiritual guide.

At the height of Manchu power, which lasted only a few decades, the Manchus exerted some influence over Tibet's foreign affairs.

Four times during the period 1720 to 1792, the Manchu emperors sent troops to Lhasa to protect the Dalai Lama from foreign invasion or internal unrest.

The situation is parallel to that exerted by a superpower over a neighboring satellite country or protectorate, and did not entail the legal extinction of the state.

The Manchu emperors did not incorporate Tibet into their dynasty, much less into China.

Manchu influence was short-lived, rendered entirely ineffective by the time of the British expedition of 1904, and ceasing entirely with the overthrow of the Qing Dynasty and establishment of the Chinese Republic in 1911.

Whatever ties existed between the Tibetans and the Manchus were extinguished with the dissolution of the Manchu Dynasty.

China's claim that Tibet became a part of China as a result of its relationship to the Mongol or Manchu Dynasties is tantamount to saying that France is part of England because both countries were once part of the Roman Empire, or that Burma is a part of India because they were both once under the influence of the British.

H. CON. RES. 145

Whereas Tibet has maintained throughout its history a distinctive national, cultural, and religious identity, separate from that of China;

Whereas Chinese archival documents and traditional dynastic histories, including those pertaining to periods of Manchu and Mongol rule, never refer to Tibet as being made "an integral part" of China;

Whereas several countries, including Mongolia, Bhutan, Nepal, British India, and Czarist Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese Government;

Whereas in 1949-50, China launched an armed invasion of Tibet in contravention of international law;

Whereas at the time of the Chinese occupation, Tibet possessed all the attributes of statehood under international law, including a defined territory, population, independent government, and the ability to conduct domestic affairs and independent international relations, as found in 1960 by the International Commission of Jurists;

Whereas in 1959, members of the Tibetan Government, including the head of state, the Dalai Lama, sought political asylum in India following a national uprising against the Chinese occupying forces, and established a government in exile which continues to operate today and is recognized by the Tibetan people as the only legitimate Government of Tibet;

Whereas it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another, and to condemn violations of international law, including the illegal occupation of one country by another;

Whereas in the 1950's and 1960's, the United States repeatedly condemned what is characterized as China's aggression against Tibet and actively supported the United Nations in both condemning China and calling for Tibet's right to self-determination in General Assembly Resolutions 1353 (1959), 1723 (1961), and 2079 (1965);

Whereas on December 16, 1961, at the United Nations, United States Ambassador Plimpton summarized the official United States position on Tibet, stating: "The United States believes that our objectives must include the restoration of human rights of the Tibetan people and their natural right of self-determination";

Whereas the United States should not condone aggression by accepting China's claim to sovereignty over Tibet; and

Whereas China's illegal occupation of Tibet continues to this day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under established principles of international law whose true representatives are the Dalai Lama and the Tibetan Government in Exile as recognized by the Tibetan people.

IN RECOGNITION OF REV. MSGR.
RICHARD A. YOUTZ

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating an exceptional and dedicated individual from the 17th Congressional District of Pennsylvania.

On April 30, 1991, Rev. Msgr. Richard A. Youtz, J.C.L., V.F., celebrated the 25th anniversary of his ordination to the priesthood of the Diocese of Harrisburg. Monsignor Youtz is pastor of Saint Patrick Cathedral and dean of the Harrisburg Deanery.

Monsignor Youtz attended St. Charles College and St. Charles Borromeo Seminary. He furthered his studies at the Pontifical Gregorian University in Rome.

Prior to his assignment to the cathedral in 1984, Reverend Youtz served in parishes in Hershey, Shamokin, and Steelton, and in 1983 he was named monsignor.

Monsignor Youtz worked for 17 years in the Harrisburg Diocesan Marriage Tribunal. In 1975 he was appointed official of the tribunal and served in that position until 1990.

Mr. Speaker, the Reverend Monsignor Richard A. Youtz has served his parishioners and community faithfully and diligently. His hard work, perseverance and generosity are just a few of the fine qualities of this outstanding man, and I thank him for his selfless commitment to the people of the 17th Congressional District.

I join his family and friends in congratulating Monsignor Youtz on the 25th anniversary of his ordination to the priesthood. I wish him good health and good fortune as he continues his work within the Diocese of Harrisburg and among the people of central Pennsylvania.

COLOMBIA SAYS GOODBYE TO A
PIONEER IN THE WAR ON DRUGS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. OXLEY. Mr. Speaker, drug violence has erupted in the streets of Colombia once again. This time claiming the life of Enrique Low Murtra, who served as Minister of Justice under President Barco. Low served as Colombia's Minister of Justice from 1987-1989 when he had to resign due to the numerous death threats he received.

Former Minister Low was a pioneer in the war on drugs. He openly supported the extra-

dition of drug traffickers to the United States even though it meant putting his life in danger. The Colombian drug cartels will stop at nothing to retaliate against any government official who challenges their businesses. Seven years ago, the Minister of Justice at that time, Rodrigo Lara Bonilla was assassinated and his successor had to flee Colombia after serving in the same post. Government officials are not the only victims. Hundreds of journalists, judges and businessmen have been murdered by drug traffickers.

I hope Low's courage in fighting the drug traffickers in Colombia will not be forgotten. Colombian Government officials and citizens must make it clear that drug trafficking is not welcomed in their country. Colombia and the United States can not afford to lose another warrior in this battle.

Currently, the Colombian assembly is rewriting their Constitution. I hope that they are not intimidated by the drug cartels' latest show of violence and are able to stand firm in their decision not to ban the extradition of accused Colombian drug traffickers to the United States.

TRIBUTE TO DR. EDMOND
GICIEWICZ

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. PAXON. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Edmond Gicewicz, a resident of the 31st Congressional District of New York and a longtime friend, for his outstanding leadership and unswerving commitment to education and community service.

A native of Buffalo, NY, and a graduate of the University of Buffalo undergraduate and medical programs, Dr. Gicewicz has served our community for many years as an eminent physician and active civil leader.

Dr. Gicewicz has returned much to our community through his role as an educator. At the University of Buffalo, he has served as the first medical director of the University Sports Medicine Center and as an assistant professor of clinical surgery in the school of medicine.

As a physician committed to the health and welfare of athletes, Dr. Gicewicz has devoted much professional and personal time serving local student, amateur, and professional athletic organizations, including the NFL's Buffalo Bills. In addition, Dr. Gicewicz has written and lectured extensively on sports medicine.

Dr. Gicewicz has demonstrated a consistent dedication to civic and charitable service. He has served as medical director for numerous local amateur athletic events including the Empire State Games and has been named as the medical director for the 1993 World University Games to be held in Buffalo, NY.

On May 10 and 11, 1991, the Medical Society of the State of New York will honor Dr. Gicewicz for his professional achievements and service to western New York.

Mr. Speaker and my colleagues in Congress, today we pay tribute to Dr. Gicewicz, a

true community leader dedicated to education and service.

I extend my heartfelt congratulations and sincere best wishes to Dr. Gicewicz, his wife Connie, and their five children on the occasion of this great honor.

TAIWAN'S PRESIDENT LEE IS
REACHING OUT TO THE MAINLAND

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LIVINGSTON. Mr. Speaker, when President Chiang Ching-kuo passed away on January 13, 1988, Lee Teng-hui succeeded Chiang as head of state. On May 20, 1990, Lee was duly elected and inaugurated as the eighth President of the Republic of China.

In the last 3 years, Lee has continued with vigor the democratization process initiated by President Chiang. Taiwan is now a model of political progress and multiparty democracy.

Among President Lee's many accomplishments during the last 3 years, none inspires more admiration than the bold step he took in announcing an end to six decades of civil war with the Chinese Communists on April 30, 1991. Even though this declaration of an end to the state of war with mainland China does not mean reunification with the mainland is imminent, it does represent Lee's efforts in building diplomatic bridges to the mainland by easing political tensions and reinforcing mainland China's growing links with Taiwan's powerful economy.

A leader of vision, President Lee has always dreamed of achieving on Taiwan the world's first enduringly democratic society and he fervently hopes that this might help lead to freedom for his compatriots on the mainland.

Mr. Speaker, on the eve of President Lee's first anniversary in office, I wish to go on record in congratulating President Lee and in hoping that one day Taiwan and the mainland will be reunited under the principle of "free economics, democracy, and free elections."

TAX FREEDOM DAY—MAY 8

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. McGRATH. Mr. Speaker, tomorrow, May 8, 1991, is "Tax Freedom Day," which is both joyous and sad for American workers. Joyous because that is the day the average American worker could pay all his Federal, State, and local taxes if all of his pay were devoted to that cause from January 1, 1991. This is sad news as well, because "Tax Freedom Day" is not only 3 days later than last year, but it has gotten steadily later since these records have been kept.

I represent Nassau County on Long Island in New York. New York has the dubious distinction of being tied with the District of Columbia for having the latest "Tax Freedom Day" of all the States and D.C. While the average

American can celebrate "Tax Freedom Day" by May 8, New Yorkers must wait until May 26 before all their tax obligations would be paid. That is 146 days of work, nearly 5 full months, devoted solely to taxes.

I certainly realize that our Nation faces many serious domestic challenges which may require large increases in government spending. Education, worker training, health care, aid to poor children, and other causes are vital to the continued prosperity of the United States. Unfortunately, at the Federal, State, and local government level, budget deficits abound. We are at a crossroads of deciding which programs are most worthy of additional resources and those which must be cut or frozen at current levels.

No doubt many government leaders will say that tax increases are necessary to reduce government red ink and adequately fund our community priorities. However, when you consider that it takes longer every year for the average American worker to pay his or her tax bill, it strongly suggests that more revenue is being paid while less service is delivered. Rather than continue to soak middle class, working families of their hard-earned wages through more taxes, government should be looking first toward cutting burdensome bureaucracy and unnecessary programs.

Nationwide polls show a growing sentiment against tax increases. America is a nation of pragmatists. If a product or service is worthwhile, Americans will pay a reasonable price for it. When Americans feel they are getting a raw deal they act to change it. American taxpayers are no longer willing to stand idly watching their taxes rise unchecked while government services decline and bureaucracy grows.

At the Federal level, Congress needs to enact comprehensive budget reform which is set forth in Representative Chris Cox's bill, H.R. 298. Under this measure, Congress and the President would be forced to act more cooperatively in devising budget targets and any attempt to supersede these targets would require a two-thirds majority vote to pass. Fiscal responsibility is possible in Congress if the right procedures are in place to eliminate loopholes which allow wasteful spending to be hidden within large appropriation measures.

Although unlikely to shorten by next year, I am hopeful that Federal, State and local government leaders will take heed at the ever growing time it takes American families to pay their tax bills. "Tax Freedom Day" should be a day of celebration to Americans, not a day of mourning.

MORE EQUITABLE HIGHWAY PLAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SKELTON. Mr. Speaker, Congressman HAROLD VOLKMER and I recently introduced a highway bill that brings equity back to the Federal-aid highway system.

Along with several others, my home State of Missouri has been a donor State in recent years, contributing more to the highway trust

fund than it gets back. It is time for this unfairness to end, and our bill does just that.

Our highway bill requires highway trust fund money to be spent on highways and not used to hide the size of the budget deficit. It distributes funds to States based on the use of their roads, gives States the flexibility to use funds where they are needed most, and prioritizes increased funding for bridge repair and maintenance.

Better roads and bridges will make our roads safer, cut down on traffic congestion, and provide jobs and economic growth. I encourage all members and the Public Works and Transportation Committee to take a look at our plan.

HIALEAH CHAMBER OF COMMERCE AND INDUSTRIES SALUTES THOSE WHO SERVED IN THE PERSIAN GULF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to bring to your attention the Hialeah Chamber of Commerce and Industries Monthly Dinner which honored those in the Hialeah area who served in the Persian Gulf.

A chamber dinner is held every month to welcome new members and to give recognition to businessmen in the Hialeah area. This month the chamber also paid tribute to those in the Hialeah area who fought for freedom in the Persian Gulf. The chamber recognized two marines from Hialeah who just returned from Kuwait—Cpl. Guy Sanchez, Jr. and 1st Sgt. Gus Perze.

The chamber also recognized Leopoldo E. Rivero of the Rivero Funeral Home as Professional of the Month; Justo Betancourt of the La Milagrosa Residence as Businessman of the Month; Andres Fernandez of American Ammunition as Industrialist of the Month; Ernesto Liebster of Cellular One as Entrepreneur of the Month and Ivonne Mendez as Banker of the Month.

The Hialeah Chamber of Commerce and Industries is made up of over 1,000 businessmen who have united to help promote the Hialeah area. The chamber is involved in numerous civic and volunteer activities which make up this important community's contribution to the "thousand points of light" President Bush has often referred to.

I extend my sincere hope for the chamber's continued success, and special thanks to its president, Vicente P. Rodriguez and executive director, Herman Echevarria.

I would also like to take this opportunity to thank the following individuals on the chamber's 1991-93 board of directors: Luis Estrada, Jr., vice president; Lila E. Cruz, vice president; Rey Flores, vice president; Armando (Mandy) Llanes, vice president; Jorge Rivero, vice president; Manny Rodriguez, secretary; Jose Izquierdo, Treasurer; Luis Estrada, Sr., vice secretary; Orlando Dominguez, vice treasurer; Antonio Fernandez Conde, director international relations; Jose Caraballo, director; Dr. Alberto Rodriguez, di-

rector; Pedro Acosta, director; Luis Miguel Diaz, director; Heliodoro Duran, director; Arturo Suarez, director; Daniel Hernandez, director; Victor Benitez, director; Luis Rojas, legal assessor; Javier Vazquez, legal assessor; Carmelo S. Batallan, financial assessor; Sergio Campo, banker assessor and the many volunteers who have contributed their time and energy to the Hialeah Chamber of Commerce and Industries.

NATIONAL NURSES WEEK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, on this National Nurses Week I ask my colleagues to join with me in recognizing the many contributions that nurses have made to the fields of medicine and health care, and to the betterment of our society.

In the past, when a health problem arose, the traditional response was to call for a doctor. However, today, in a growing number of situations, it makes sense to call for a nurse.

The nursing profession has changed tremendously over the last two decades. The growing number of graduate-level nursing programs, and the emergence of nurse-practitioners and other nurse-specialists with advanced degrees, have greatly expanded the scope of services that nurses are prepared to provide.

Nurses are certified as specialists in community health, nurse-midwifery, neonatal care, intensive care, medical-surgical nursing, psychiatric and mental health, and geriatric care. Two key trends in health care are making nurses even more important in the delivery of health care: The aging of our national population, and a growing emphasis on lowering the costs of health care. As the number of older citizens increases, and as hospital stays are shortened, the need for home care is likely to increase substantially.

Nurses are helping to meet the changing health care needs of our society. With increasingly specialized health care delivery systems in use, nurses have taken on a key role in maintaining ongoing relationships with patients and their families. They are in a unique position to provide education and counseling services before admission and following discharge from the hospital. They monitor progress and respond to problems before they become serious. And they refer patients to other health care professionals as needed.

It has often been lamented that modern medicine is becoming too technological and losing the human touch. As a society, we tend to identify technology as the solution to all our health care problems. Unfortunately, we are too often more receptive to funding the latest item in biomedical equipment than sponsoring a nurse or setting up a nursing scholarship fund for students entering the health care field. Undoubtedly, technology is an essential part of medicine. However, it is not the "be all and end all." Research has shown that close human contact may be as important as those of the machines that save lives.

We should all recognize the dedicated and compassionate manner in which nurses provide their vital services to those in need. We should also encourage others to follow their example and enter the very noble and rewarding field of nursing.

I hope that you will join with me in thanking nurses for their invaluable contribution to the health and well-being of our society, by recognizing May 6 through 10, 1991, as National Nurses Week.

A SALUTE TO PATRICK DOREN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. TOWNS. Mr. Speaker, I rise today to commend Patrick Doren. An outstanding citizen of Brooklyn, Mr. Doren's work is a testament to the community spirit that lives in Brooklyn. His actions have significantly con-

tributed to the revitalization of Bedford Stuyvesant.

Patrick Doren is a lifelong resident of Brooklyn. In his new position as Bedford Stuyvesant development coordinator of the Neighborhood Housing Services [NHS], he will play a major role in overseeing the renovation and rehabilitation of this area. As a lifelong Brooklynite and an active volunteer within various community organizations, Mr. Doren is familiar with the needs of this community and with the dedicated resolve of the people to reclaim portions of this community lost to neglect and decay.

Neighborhood Housing Services, a nonprofit corporation, lends money for renovation to homeowners in New York neighborhoods. The funding for NHS is derived from a consortium of banks under the Community Reinvestment Act. Although these homeowners would be unable to acquire loans from conventional lenders, they are given an opportunity by NHS. This single action restores faith in homeowners.

In addition to revitalizing the spirit of the individual homeowner, these loans encourage a

renewed sense of community involvement and neighborly concern. By providing loans for rehabilitation based on community input, the neighborhood actively participates in the decisionmaking.

However, the benefits of this magnificent program are not limited to individual homeowners who receive assistance under the auspices of the program. After seeing the incredible results of these home improvement loans and hearing of the positive experience with the people of the community, conventional lenders will be forced to reevaluate their skepticism toward the area and the people. These renovated properties may encourage other lenders to return to the community. In this way, rehabilitation loans will be made available for other local homeowners.

Under the direction of Mr. Doren, we can expect this program to be as successful as his previous endeavors. Mr. Doren's work is vital to creating positive change in Bedford Stuyvesant and throughout Brooklyn. I am proud to salute Patrick Doren and the Neighborhood Housing Service.